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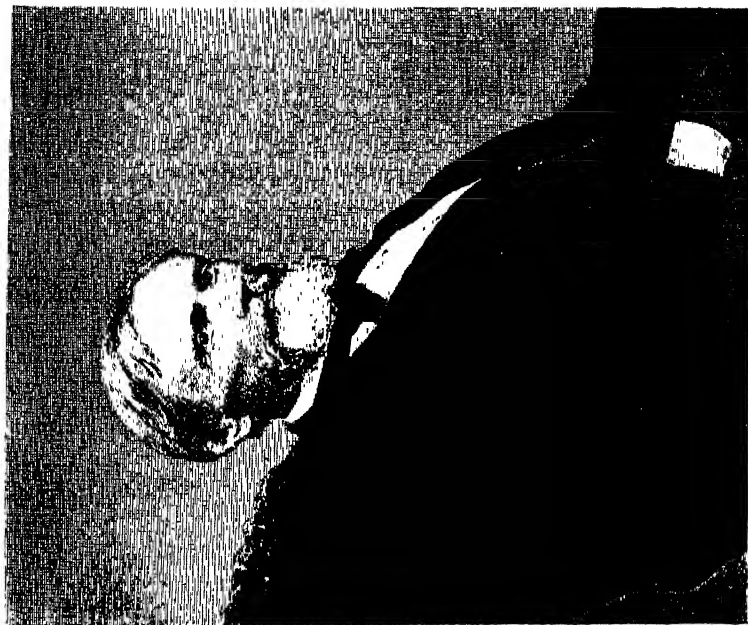


## THE AMERICAN CIVIL WAR









Jefferson Davis



Abraham Lincoln

# THE AMERICAN CIVIL WAR

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*An Interpretation by*

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## FOREWORD

THIS book on the struggle between the North and South from 1861 to 1865 was written by my husband after years of thought and research. His mother was a Georgian and his father a New Englander. Carl was young enough to be free of prejudices and hatreds concerning the war. To him it was not a "lost cause" or a Northern victory ; it was the history of the two sections of his country, with both of which he had vital ties, gripped in a death struggle. He wished to understand it and to make others understand it by approaching it from the detached point of view of an historian.

To all his students wherever they may be this book is dedicated.

JEANNE L'HOMMEDIEU FISH



## PREFACE

PROFESSOR FISH worked for many years on the manuscript which he intended to be his "American Civil War : An Interpretation" and "Reconstruction," but death cut short his labors at an early age. Fortunately for his readers he had written the fourteenth chapter of the first volume and had quoted from President Andrew Johnson's first annual message to Congress (December 4, 1865) when his hand was stayed, leaving the greater portion of the work in its first long-hand draft. Professor Fish wrote his chapters deliberately. Three of them were read once or twice to his classes in his course on the Civil War and Reconstruction, which was repeatedly given at the University of Wisconsin. His conclusions, which came as a result of wide reading and extensive research in this country and in Europe, were checked in his seminars on the Civil War, in two of which I was privileged to be a graduate student.

Professor Fish was broadly sympathetic with the intentions of the North and the trials borne by the South, as any reader of this volume may soon discover. He intended this work, together with a second volume on reconstruction, to be his best contribution to historical writing, for his interest as an historian lay primarily in the Civil War period. His former students will here find some of his brilliant statements which they so thoroughly enjoyed in his courses.

The editing of the manuscript has been a pleasure, albeit a difficult task, for I have endeavored at all times strictly to retain the Fishian thought, interpretation, organization, and flavor. Professor Fish's handwriting is not as easy to read as Horace Greeley's. Many paragraphs and pages have been rewritten, and punctuation and rearrangement of sentences which would naturally follow in the revision of a first long-hand draft have been made ; it would have been unfair to the author to publish the first draft which he had corrected only for fact and thought. I have omitted footnotes because most of the originals were lost and I

have found it impossible accurately to supply them. I assume full responsibility for the arrangement of and the greater part of the bibliography. The signed supplementary chapters XIV and XV are designed primarily for general use, not for a definite contribution to the study of the Civil War.

In the intriguing task of reading the manuscript I am indebted to Miss Anna Nunns of the Library of the Historical Society of Wisconsin, who made a first typewritten draft ; to Dr. Louise Phelps Kellogg, who read the manuscript ; and especially to my wife, who has repeatedly gone over it with me, typing and re-typing as we found changes necessary, and who has been of great assistance to me in numerous other ways in the preparation of this manuscript. Finally, I owe grateful acknowledgment to Thomas P. Martin, Library of Congress ; to Dr. E. M. Coulter for his corrections ; to Dr. J. Franklin Jameson who read some of the chapters and advised me ; to Dr. Paul Knaplund, Chairman of the Department of History in the University of Wisconsin, for his valuable suggestions ; and to Professor E. W. King, head librarian, and Miss Margaret Clark, research librarian, at Miami University, who have kindly assisted me in many ways that required patience and time.

W. E. S.

Oxford, Ohio  
January 1937

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## CHAPTER I

### THE ELECTION OF 1860

#### I

THE key to the political situation in 1860 was the action of the Republican party. It was the aggressive element that stood for change. Upon the question of what that change should be, its leaders and its personnel were divided ; but they were united in realizing that preliminary to any change they must secure control of the government.

¶The Republican party had come into existence in 1854 as a result of the wave of indignation that swept the North against the Kansas-Nebraska Act. ¶The essential point was that territory from which slavery had been excluded by law was now by law opened to the possibility of slavery. ¶It was widely and strongly felt that the South was the aggressor. The attitude of the North was one of defence. This view is nowhere put forward more strongly than by Abraham Lincoln. In his Springfield speech of 1856 he set forth on ingenious circumstantial evidence a charge that this aggression was the result of a plot between James Buchanan, Stephen A. Douglas, Roger Taney, and Franklin Pierce. ¶When events must have convinced him that this charge was untrue, he still believed that design or the tendency of events would make the country "all free or all slave," with the probability of "all slave" unless action were taken. Moved alike with him in 1854 were men who never before or after deserted the Democratic party. Some feared, others were determined to resist.

Joyfully there leagued themselves with this militia of resistance that active cohort which had long been intent on combatting slavery in its lairs : Liberty party men, Free Soilers, and with loose tether the uncompromising Abolitionists. It was quite certain that every Republican was opposed to slavery, but it was entirely uncertain in most instances whether a particular Re-

publican was ready to act only to preserve the *status quo* or would urge attack. Between the Abolitionists and the advocates of defence were all shades of opinion, but they tended to coalesce into a radical wing and a conservative wing ; though full crystallization did not take place until after the war began. It is held by numbers of recent scholars that as 1860 approached the intensity of feeling declined and radicalism withered. The facts seem to reveal the opposite. To give the negro a vote even in a Northern state was without question radical. Again and again during the 'fifties this question was put up for a referendum vote, first in one state and then in another. The proposal always failed to carry, but it won increasing support, and the figures afford evidence that by 1860 two thirds of the Republicans voted for it. This evidence shows that the radical wing of the party was in the majority and was gaining strength.

This fact, however, was not likely to determine the Republican platform of 1860. Political platforms are not written for the ninety and nine that need no salvation, but to attract the errant sheep wandering between the two folds ; whence arises the vulgar comment that there are no essential differences between major American political parties because both use the same bait. Political leaders in 1860 were well aware that two thirds of the Republicans could not win the election ; that it was necessary to hold the third who willed no aggression, and also to win those as yet afraid to vote Republican lest the Union be endangered. To hold all but a few extremists and to win all who had the slightest tinge of anti-slavery coloration was the problem of the constructive Republican leaders.

A second problem was no less disturbing. In 1856 the Republicans were what we know in America as a "third party" ; that is, a party with one idea, opposition to slavery. It drew to itself Whigs and Democrats in not very unequal numbers. An enlarged program of economic measures must lean to the one group or the other of these old antagonists ; and yet how long would men in a rapidly developing country forego the expression of their views on the multifarious questions that were daily arising ? In either direction danger loomed : on the one hand

division, on the other stagnation. In this uncertainty the Democrats, particularly the Southern Democrats, presented the Republicans with a golden opening. In 1857 Congress revised the tariff. Howell Cobb, of Georgia, secretary of the treasury, led the way, and the South gained for the moment a spectacular triumph. It marked another step, after that of 1846, toward free trade, and it was voted for not only by South Carolina but by the mercantile interests of Massachusetts. For years before and after this period it was a dynamic factor in the situation that Northerners generally feared the wiles of Southern leaders, as Americans of a later generation have dreaded the guile of British diplomats. After 1857 they should have feared no longer, for seldom have politicians made as great a political error as did those Southerners on the eve of an election which they thought might be as fatal as it proved to be. By reducing the protection on iron they alienated Pennsylvania, which from the beginnings of American politics to the present day has shown a strong predilection toward Democracy or Progressivism but also a fixed determination to secure protection. By lowering the rates on raw wool they angered that fringe of farmers in the Northwest who swung between the two parties in the hope of increased profits on their wool clip — that critical Northwest where the balance teetered as the crowds hung on the words of the great debaters. So by their tariff triumph the Southern leaders gave an opportunity to the Republicans. It became the problem of the latter whether or not to venture to take up the challenge at the risk of losing supporters who, up to 1854, had been Democrats and who would regard a protective tariff plank as a victory of their old-time enemies, the Whigs, with whom they were precariously fraternizing on the slavery issue.

Still a third problem worried those who hoped for Republican success. Since 1854 the anti-foreign movement had competed in both North and South with the other issues, but the greater schism of slavery was disrupting it, and its Northern and Southern wings were falling apart. In the North its many leaders, some with effective organizations at their command, were open to Republican advances. Great blocks of votes could be secured by the

mildest of anti-foreign declarations. It was, however, a gift from the Greeks. Seward in New York had always counted on at least some Irish support. In the critical Northwest the Germans, who had from their arrival been Democrats, were anti-slavery and many were drifting to the Republicans. Such a drift would be effectually stopped should the Republicans deny the principle that America was the refuge and promised land of all who sought it. Frantically the busy and precocious Carl Schurz travelled from one headquarters to another, bursting with ardor to lead his old compatriots against slavery, but hopeless of doing so and unwilling to try if tied by the antagonism of his new countrymen. In general he met with sympathy, but responsible leaders could not dispel their anxiety in deciding between the two gifts and hoped to obtain both.

For the most part the Republican leaders to whom these problems were presented were not casual persons nor infants with six years' life in politics. The party was an aggregation of long-coherent groups surrounded by vast numbers of individuals. Most important of its constituents was the Seward-Weed machine of New York state. Flexible and with slight paraphernalia this has proved one of the most enduring political groups in American politics. Its foundations were laid in the 'thirties by the uncanny discrimination of Thurlow Weed in selecting in the towns of the state a list of men who passed about among the inhabitants ideas received from the chief, and who shrewdly reported to Albany the trends of public opinion. This machine had remained a potent factor in American politics under the management of Weed and his descendants. Its cohesion has inherently rested on an aristocratic conception that "the wisest are the fewest," which renders their union and keen policy essential. Weed was fortunate in finding in one of the most pleasing friendships in our history a partner and mouthpiece in William H. Seward, who never shared that opinion and who glowed with the conviction that right was bound to win.

It is necessary to list the full procession of these allied influences. Young Oliver P. Morton carried over to the new party the junior democracy of Indiana. Of even more importance was the

leadership of Simon Cameron in Pennsylvania. In Missouri was the only notable body of Republicans in the slave states. About seventeen thousand of them were grouped mostly in one congressional district in St. Louis county, and were remarkable for their ability and the complexity of their membership. A small but significant body of liberals, centering in one of the few Unitarian churches of the West, was closely allied in social and intellectual interest with a number of outstanding German Forty-eighter families. To these was added a powerful unit of what may be called old Democrats, friends of the late Senator Thomas Hart Benton, who considered that Polk and Calhoun had in 1844 stolen the Andrew Jackson Democracy from the people and who now accepted the leadership of the wise and subtle Blair family, the champions and heirs of Jackson, and especially of young Frank, whom they elected to Congress in 1856 and were to choose again in the coming election of 1860. As the sole refutation of the charge that the Republican party was purely sectional, the liberals had great weight in Republican councils. If leaders chose to listen to St. Louis, they could not fail to hear the left-wing radicals, who had no qualms and no doubts. They knew where they were going and where the world was going. Theirs was the interesting news copy of the day, and they were men and women of intellect and education who could not be despised. Individualistic to the core, they possessed, at least when in opposition, considerable unity. Around the charming dinner table of Julia Ward Howe in Boston, at the hospitable board of the Tappans in New York, in the comfortable leisure of long visits at Gerritt Smith's estate in western New York, in the quiet friendship of Quaker Philadelphia, on the beautiful Blair plantation at Silver Spring near Washington City, they met and heartened each other. In conventions of many reform associations they quarrelled and divided among themselves but joined in radical denunciation of others. About these organized reformers there had gathered of late great numbers of intellectuals of the North. In 1856 George William Curtis had delivered at Wesleyan College (Middletown, Connecticut) an oration on "The Duty of the American Scholar to Politics and the Times," which



was both a symptom of the entrance into politics of those who had ignored them and a means of accelerating the movement. If concessions to the right wing should outrage this left wing with its driving purpose, the party would lose not only votes but the spirit and nerve system which gave it enthusiasm and power.

Enthusiasm, hope, and energy marked the convention which was to decide these questions. With strategic skill it was called in Chicago, the ambitious young centre of the growing Northwest, which must be won. Chicago rose to the situation by the construction of a gigantic Wigwam, probably the greatest covered area in America. When the convention met on May 16 trainloads of delegates and supporters arrived to see the West for the first time, and tens of thousands of Westerners poured in to mill around the Wigwam shouting for their local candidates. In a hubbub before unequalled in America the members sat down to hammer out a platform.

The result was a good piece of political workmanship. On the question of foreigners it spoke firmly against a change of naturalization laws ; after all, the Know Nothings could find no comfort from the Democrats. This decision simply marked the death of that party and it gave the Republicans Carl Schurz, their most effective worker in the coming campaign. The platform boldly set forth a varied and constructive program, declaring for a protective tariff and a homestead law, risking the loss, which did occur, of many confirmed Democrats. It grasped the gift of the enemy and set forth the claim of the party to be a permanent organization taking its constructive part in the life of the nation, not merely a surgeon intent on one dreadful operation. The tariff declaration of the platform was reinforced by a bill, drawn with great care, presented to Congress by Justin S. Morrill of Vermont, and passed by the House of Representatives May 10, 1860. The passage of a homestead bill by the same body on May 12 gave similar evidence of good faith.

On the question of slavery its position was that of the serious members of the right wing. No attack on slavery where it existed was envisaged. No mention was made of the fugitive slave law nor of the abolition of slavery in the District of Columbia,



Harper's Ferry. Here John Brown tried in 1859 to produce a slave rebellion and died on the gallows for his untimely, foolish deed. The Federal Arsenal is in the foreground. The bridge was partly torn away by high water in 1936.

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and the John Brown raid was condemned. On the other hand, no statement could have been firmer on the question of slavery extension. The Dred Scott decision was not mentioned, the admission of Kansas as a free state was demanded, and a curious constitutional interpretation was flaunted against Southern leaders and the Supreme Court to the effect that the party denied "the authority of congress, of a territorial legislature, or of any individual to give legal existence to slavery in any territory." So the party stood firm in opposition to slavery while it was silent on the ultimate fate of slavery. This was a blow to the radicals, who were not to remain silent. Joshua R. Giddings was a veteran reformer who was also a politician. As an Abolitionist he had been antedated only by John Quincy Adams, being elected to Congress in 1848 by the Western Reserve district in northeastern Ohio which had been settled by New Englanders and, with the region about Rochester, N. Y., constituted a far-flung nucleus of New England blood and ideas. He now moved the insertion in the platform of that portion of the Declaration of Independence beginning "All men are created equal." The managers of the convention feared the implications that might be put into it by the other parties. By a stinging speech, however, George William Curtis, aided by Frank Blair, stampeded the convention into adoption. In all probability the avowal of aim unconnected with particular threats strengthened the appeal to the public, for an element of thrill and conviction was needed if the Republicans were to sweep the North.

If the Republican leaders had been merely political tricksters, the right-wing platform might well have been offset by a left-wing candidate. In fact, it seemed that this would be the net result. The leading candidate for nomination was Seward of New York. He came to Chicago with all the forces of a great machine powerfully displayed. He, however, was far more than a New Yorker. Since the early 'forties, when as governor of New York he had opposed the governor of Alabama on the censorship laws of the latter state, he had been widely appreciated as the most successful anti-slavery man in public life. He was a man of education and he had the sanguine and emotional nature of his Welsh-

Irish ancestry. He longed for the title of reformer even more than that of statesman, though his geniality and hatred of strife led him to seek accommodations of the most opposite views. In stature he was small and even wizened, but on the platform he had the orator's capacity for drinking strength from his audience. Like all orators whose power depends upon applause, the moment led him to extreme statements. His appeal to the "higher law" and his reference to the "irrepressible conflict" had endeared him to the radicals. He was the only candidate with a reputation truly national, and he was probably desired by a majority of the party. In his strength lay his weakness. He was indeed old in politics, but during most of those years he had been a Whig saying hard things against the Democrats, many of whose votes were necessary. His radical statements would scare away lovers of the Union and the Constitution, shocked even to think of a higher law. He being the leading aspirant, there was a tendency for the supporters of the lesser candidates to unite against him.

Much of the organization of the field against Seward was carried on by Horace Greeley, editor of the *New York Tribune* and a personal enemy of Seward and Weed. With the support of the moderate managers who were conducting the strategy of the convention, the field was soon confident of winning. Only sensation and the milling crowd could have pushed Seward to success; the public about the Wigwam was not for him. If Seward were rejected there would not be much argument for the other chief radical, Salmon P. Chase of Ohio. Statuesque, with the finest head on masculine shoulders since the passing of Webster, he was an orator who knew what he was to say when he arose. Clear, calm, confident, he was widely regarded as having the American brains of his time, as had Hamilton and Webster; nor was any other more impressed with this fact than himself. Vain, he was susceptible to flattery, and his supporters were in general men of more profession than accomplishment. He remained one of those whom many continued to regard as ideal presidential timber, but now he was at least as radical as Seward. He was connected in more minds with the minority — the Democratic wing of the Republicans — though he was regarded rather un-

favorably as a man to whom party affiliations were unimportant. If, on the other hand, conservatism was to be the criterion, Edward Bates of St. Louis would have been ideal, but the presidency was rather too large a concession to make to so small a faction, and Bates was a dry, meticulous person whose name was probably submitted for trading purposes only.

Abraham Lincoln was the candidate of the Chicago mob voicing its choice about the Wigwam. It might have been remembered against him that he had said: "A house divided against itself cannot stand." In the West, however, he was known for his debate with Douglas and for his long consistent fight against the aggressions of slavery rather than for attacks against it. Speakers everywhere had studied his arguments against Douglas and knew the quality of his mind. In the East he had made a deep impression in his Cooper Institute address of February 1860, which was a sound historical disquisition on the attitude of the framers of the Constitution upon slavery. He was popular in a critical state, he was a Whig, but his prominence was as a Republican. Gradually his lieutenants united the field for him, and on the third ballot he was chosen. With this Western Whig was joined, as vice-presidential candidate, Hannibal Hamlin, a former Democrat of Maine. Thus candidate and platform harmonized, firm against the extension of slavery, without threats against that institution as it was established. It appealed to the North to cease from compromise, to put away fear of Southern disruption of the Union, and to use its overwhelming majority to carry out its wishes, limited only by its own sense of justice.

The Republicans did not enter the campaign without money or experience. The Seward-Weed machine entered heartily into the conflict and generously contributed the sinews of war. Manufacturers of Pennsylvania opened their pockets. Money was available for printing and travel and organizing expenses. Still greater was the contribution of voluntary workers. Carl Schurz was paid, but the majority of speakers gave their services, and some paid their own expenses. The amount of work was formidable. In many states each individual voter was canvassed. In Philadelphia this was done by the police, who happened to

be under Republican control. In New Hampshire the enumeration was so careful that the pre-election estimate came within a few hundred of the final result. Fun was added to labor by parades which surpassed anything of the kind yet shown in America. Thousands of men with capes and "Wide Awake" hats, carrying oil-dripping torches, marched for hours through the streets of the great cities, impressive as casters of votes and ominous in their martial array.

Most parades rounded up at stands for speech-making. In Pennsylvania the stress was upon the tariff, and drama was added by the appearance of the candidate for governor, Andrew Curtin, formerly a leader of Know Nothings, on the same platform with Carl Schurz. Elsewhere the stress was upon the necessity of curbing the South, the assertion of the will of the North, and the allaying of fear that the South would leave the Union. The most profound speech of the campaign, if not the most politically effective, was that of Carl Schurz at St. Louis. He painted the aggression of the South as inherent in the struggle of a dying institution to protect itself. He held that slavery could survive only by political control, but that secession or war in case of political defeat would only hasten the process of extinction. He represented the struggle as one between the systems of slave labor and free labor and the triumph of the latter as a boon to the whole country, North and South. The protective tariff and the limitation of slavery were but reverse sides of the same program for the elevation of America and the laborers. In philosophic grasp of the situation none of his contemporaries had reached so far; in his failure to understand the psychology of the Southerners he did not stand alone. The Republican orators were widely successful in creating a belief that Southern control of the government for sixty years had rested upon bluff and that their hand might safely be called.

The hopes of the Democratic party lay in those who were satisfied. Its appeal lay in its continuity as the oldest political party in the nation. For years national organizations had been falling

apart ; the Methodist and Baptist churches had split ; the Presbyterians no longer met ; railroad systems were Northern or Southern ; the Whig party had ceased to be ; Southern students were being withdrawn from Northern schools ; the South used the Hussey reaper, which was made in Baltimore, rather than the McCormick, which was manufactured in Chicago. The Democratic party, the Roman Catholic Church, the Episcopal Church, the American Medical Association, and the Constitution were among the few ties that had not snapped. In addition to its claim of tested age, the Democratic party was pre-eminently the party of the Union. Its hero in 1860 was still Andrew Jackson, who had said, "The Federal Union : It must be preserved." This tradition was always on the lips of the orators, but their appeal was becoming less militant and was more and more directed to the spirit of sacrifice, which meant that each must surrender some of his desires in order to preserve the union of all.

The problem of the Democratic leaders in preparing for the contest of 1860 was to preserve their unity. The party was national, but it was torn ; no one could tell how seriously. Its Northern and Southern extremists had been held together since 1854 by what must be regarded as political trickery, but trickery so apparent that it could never have succeeded unless people had wished to be deceived. The Kansas-Nebraska Act, which had outraged the North, was no longer satisfactory to the South. Governor Wise of Virginia effectively pointed out that to open Kansas and Nebraska to slavery, subject to the vote of the first settlers, was to give it to freedom, since slave-holders could not migrate to a wild prairie frontier where even property without legs was insecure. The majority of the Southerners felt that if the North was giving up a law excluding slavery, they were surrendering a constitutional right ; for by one road or another they had reached Calhoun's position that slavery was permitted by the Constitution in all the territories subject to the United States government. So strong and prompt had been their reaction to his bill that Douglas, in order to pass it, had been forced to include the statement that the rights of the settlers over slavery were "subject to the Constitution." In the campaign that followed



the act was defended in the West on the ground that it confirmed the frontier conception that the people, even in territories, had the right to determine their destinies; the South contended that it was a recognition of constitutional control.

Temporary cohesion of such opposites was secured by a play on words. Douglas' idea of taking the vexed question out of Congress and turning it over to the settlers was not new. His contribution was in dropping the term "squatter sovereignty" and denominating his principle "popular sovereignty." To his Illinois constituents this seemed merely a change of words. To the South "popular sovereignty" was an established phrase, of old usage, having nothing to do with territorial government, but expressing the idea so well formulated by William Pinkney in the Missouri debate that states could not have their sovereignty abridged by limitations placed upon them on entrance into the Union, that in spite of the Northwest Ordinance of 1787, for instance, Illinois or Ohio might adopt slavery. Their orators, therefore, proclaimed it a confession that the Southern position was constitutional. The Democratic platform, adopted at Cincinnati in 1856, prolonged the wilful misunderstanding because there was a will to union.

Events soon jarred this delicate equilibrium. Whether it was "squatter sovereignty" or "popular sovereignty" that was at work in Kansas, the result was not harmony but bloodshed. In 1857, in the Dred Scott case, the Supreme Court declared for the Southern position that the Constitution forbade the exclusion of slavery from the territories. In the same year arose the question of admitting Kansas with a constitution embodying slavery, which was undoubtedly opposed by a majority of its inhabitants. Douglas took his stand against the proposal and so prevented the South from realizing even the minimum that might have been expected from his Kansas-Nebraska Act. In 1858 he was a candidate for re-election from Illinois to the Senate and met Lincoln as his opponent. Lincoln set himself to burst the bubble of illusion which Douglas had blown. In asking Douglas what was left of the rights of the people of a territory to determine upon slavery now that the Supreme Court had declared that prohibition was

illegal, Lincoln forced him to the dilemma of deciding between the two wings of the Democratic party. Should he answer that the Dred Scott decision fixed slavery upon the territories he would undoubtedly lose his election ; should he question the Supreme Court his position as a national figure was gone. Douglas accepted the Court's decision but pointed out, in terms that the generation of the 1920's, with its experience with the Eighteenth Amendment, could well understand, that law, even the Constitution, is powerless against public opinion. It was a statement as dangerous as Seward's "higher law," though Seward probably referred to the "right" and Douglas to the "people." He won his re-election, but Southern confidence in him was shaken.

Douglas' house of cards was falling, and yet he remained the best hope of Democratic unity. His position depended upon his personality and his representative character. He was the most vital man in the party. He was as yet only forty-seven. His short, stocky figure, attractive and well groomed, radiated force. He was quick in anger and affectionate in friendship, a good companion. He was both an adaptable orator and a ready debater, with a mind active in expedients. His statement that he did not care whether slavery was voted up or down was probably sincere, but was merely a part of the truth. Undoubtedly the slavery question irritated him. He was equipped to take the lead in national development. He was interested in expansion of railroads, in the growth of the West, in leading the United States into association with her Latin neighbors. He saw the greatest nation in the world with progress beckoning her, he felt the impulse and the power to direct, and he felt both himself and the nation halted and almost estopped by a moral issue in which he had little interest. One does not need the specific evidences that exist to realize that he did not stand alone. Disgust at the shrieking Abolitionists, at fire-eating pro-slavery advocates, at Republicans who allowed this side issue to dominate their actions, was not confined to mere worshippers at the altar of business ; it was a compelling motive with many of the staid and reasoning. Douglas was ready and seemingly as capable as anyone, by hook or by crook, to push this foolish issue out of the

way of progress. He was put before the Democratic convention with most of the organization of Northern Democracy behind him and over half of the delegates pledged to his support.

Under the rules of the Democratic convention he could not be nominated by less than a two-thirds vote. In spite of the prestige that would come from such a nomination it would hardly be effective in the campaign were there to be a solid block of Southern opposition. He had not lost all his friends in the South, and his recent second marriage with a Southern lady owning a plantation with slaves in Mississippi was something of a pledge of conduct, if it was not an intentional gesture. Still, after his flouting of the Dred Scott decision, an agitated South, which for years had been feeling that it could be safe only under a Southern president, and where thousands in 1848 had voted for the Southern Whig, Taylor, for president at the same time that they cast their ballots for Democratic congressmen, could scarcely have been expected to accept Douglas unless bound by an explicit platform pledge. Yet would Douglas have had any better chance of securing Northern states in 1860 if committed to enforce the Dred Scott decision than he would have had in Illinois in 1858 without his equivocation? Democratic unity seemed doomed; its only hope seemed to be in mutually contradictory candidate and platform, but such unity might well be at the expense of success.

A decision of four years before brought the convention, on May 9, to Charleston, South Carolina. This was intended to conciliate the South as the Republican meeting at Chicago was expected to influence the Northwest. It was, however, a more dangerous expedient. The Democratic party had never had the social cohesion which had knit the Whigs. From the days of Jefferson, separation was the best cement to bind Southern Democratic gentlemen and the city Democrats of New York. From those days even to the era of Alfred Smith the South has regarded her Tammany Hall allies as most British officers regarded the Red Indians under their command. Genteel Charleston found the reality worse than it had expected, and at the same time failed to give the boys from the North the kind of good

time to which they had looked forward. The convention opened in an atmosphere far from soothing.

In all conventions the committee on resolutions was made up of one member from each state. This gave the South an advantage, as it was necessary to secure only two votes from the North to control. California and Oregon acted with the representatives of the slave states, and the committee reported out the essential resolution in a form expressing the duty of the federal government to protect slavery in the territories. After debate, delay, searching of hearts, and prayer, this resolution was rejected in the convention, where representation was proportional, 165 to 138, and the Douglas plan of a reaffirmation of the deceptive Cincinnati platform of 1856 was carried out. Alabama, Arkansas, Florida, Louisiana, Mississippi, South Carolina, and Texas therefore withdrew from the convention and the Democratic party was disrupted.\*

For over a month after adjournment, substitutions, projects of reconciliation, appeals, and angry recriminations kept public men and the press busy and held the eye of the country. Finally out of the chaos emerged two Democrats, nominated for the presidency on June 20. Douglas was set forth at Baltimore with Herschel V. Johnson of Georgia as his mate. John C. Breckinridge of Kentucky, actual vice-president, and Joseph Lane of Oregon were selected by groups at Baltimore and at Richmond. Both claimed the name and prestige of the Democratic party; neither was a legal candidate according to the rules of the Democratic conventions. The Democratic National Committee, headed by August Belmont, had a slight majority for Douglas, but practically adjourned, leaving the conduct of the campaign to the committees of the states.

Breckinridge was far from lacking the insignia of party regularity. He was supported by President Buchanan and the cabinet, while the patronage was used to his advantage. The regular party committees of many states attended to the details of his

\* Some historians maintain with considerable reason that the Charleston convention held the key to the election. Had compromise ended in a show of unity on one candidate a different nomination might have resulted at Chicago and a different ending could have resulted in November.—Ed.

campaign ; many voted for him because he was held to represent the continuity of the Democratic party. His orators emphasized their intention of protecting the South. The method and degree of protection, however, involved change. They set forth the idea so often presented with exquisite clarity by Calhoun : that the Union was a partnership of the states, the national government was an agent to carry out the will of the partners and owing to each partner the services characteristic of an attorney who, with no judgment or will of his own, defends his client. The question of slavery in the territories was the immediate issue, but the claim involved foreign affairs, also, and Calhoun himself had used his argument as the convincing reason for the annexation of Texas ; it made the whole defense of whatever a Southern state might maintain to be its rights the automatic responsibility of the United States government. It was not looking very far ahead to see that the acceptance of this interpretation would achieve what Lincoln feared — the Union would become all slave.

This platform won sympathy in the South, as the Republican program did in the North. The problem of Breckinridge's supporters in his home region was the same as that of the Republican debaters of the North — the convincing of sympathizers that an agreeable stand might be taken with impunity ; though they stressed still more that the South could not be safe without acknowledgment of their position. Bound to be beaten in the national election, the Breckinridge adherents questioned what to do when it was over, for loyalty to the Union was strong almost everywhere. The question of secession was glossed over and evaded, but nevertheless the answer was obvious to all. If a president were to be elected who not only rejected this interpretation of the Constitution but was committed to a policy distinctly Northern, the South must leave the Union. The leading speech of the Breckinridge campaign was made in New York, October 10, by William L. Yancey : "Now, friends, we do not stand upon compromise. . . We stand upon the constitutional compact made by our fathers with your fathers. . . With the election of a Black Republican all the South will be menaced. . . Then comes the question, what will the South do under these cir-

cumstances? Will the South submit? Some men imagine that she will. I do not." Dissolution of the Union would be the inevitable next step. Yancey, speaking in New York, was not speaking hopelessly to a hostile audience. He was hoping to win votes. Yet the Northern Democrats who were listening to him were by tradition and conviction Union men who believed the Union to be the supreme political good and secession to be directly contrary to the Constitution. His purpose in addressing them was to carry home to their minds that if the North persisted in the election of a Republican president, the South would leave; and that the only method of preserving the Union was to bow to the wishes of the South. Unlike Lincoln, Breckinridge was a national candidate supported in all sections, yet there was a fundamental weakness in his position. The bulk of his supporters, those in the South, were men who took the Union most lightly and would give up the least for it, while those in the North took it most seriously and to preserve it would pay the highest price in secondary wishes and principles. The Breckinridge party was a combination of extremes.

The Republicans, exponents of Northern desires, were chiefly occupied in arousing among the Northerners the courage to assert themselves; in the South the Breckinridge leaders were the champions of Southern desires, and their effort also was to make the cautious brave. Both argued rather with reluctant sympathizers than with each other. Debate was already sectionalized.

It was the task of Douglas to oppose both the radical contestants; Lincoln, in the North, and Breckinridge, in the South. He had the support of most of the state committees in the North, but in the South he was in the position of an intruder. His platform was of little help to him. No one could seriously think that the principle of the Kansas-Nebraska Act would serve as a solution of the slavery problem. His reliance was upon the fear of disunion and upon his offering an ingenious mind untrammelled on the subject of slavery. His personality was his strongest asset, and he was prepared to use it to the limit of his strength. One obstacle stood in his way. It was a tradition based on the practice of the fathers and expressed in William Lowndes' fa-

mous epigram that the presidency was an office "neither to be sought nor declined"; in other words, a presidential candidate should not canvass. His rivals followed this dignified custom of not canvassing the American public which was highly sensitive to the violation of such unwritten laws. Douglas did not venture to break this one without excuse, which he found in the illness of his mother in her Vermont home. In reaching her from Chicago and returning, he contrived to visit and speak at the strategic points of the North and even to invade the South.

One feels from reading his speeches that Douglas did not gain much from his tour. It was natural to one of his temperament to act rather than to wait; his sincerity was never so apparent, but he gave one the impression of a spent force. His plea was still for the democratic right of American people, wherever they were, to make what local laws they wanted. He believed in such democracy, and so did perhaps a majority of Americans; but as a political program the application of the principle to the slavery question was in the position of a remedy that had been tried and had failed. To say it ought not to have failed was mouthing vain words. Douglas attacked Lincoln and Breckinridge with the same weapon; both stood for intervention in the territories and for controlling free people in their desires. Douglas insisted that the election of Lincoln was likely to produce secession; but his heat was reserved for the supporters of Breckinridge; for he set forth, and probably believed, that they had split the Democratic party in order to elect Lincoln because they wanted an excuse for secession. At Raleigh, August 30, he said: "If Lincoln is elected and does not give the seceders all the post-offices in the government, I say that he will be the most ungrateful wretch that ever lived. I never would receive such support from a body of men without acknowledging it afterwards." Secession meant war: "You cannot sever this Union without blasting every hope and prospect that a Western man has on this earth. Thus, having so deep a stake in the Union, we are determined to maintain it." "I can render my country as much service while I am in the Senate of the United States for the next four years. I can there make as much reputation for myself as in the presidential

chair, and if any attempt be made at disunion, leave a record for my children of which they will be more proud than they would be of my election to the Chief Magistracy of this glorious Republic." His program was "to banish the slavery question from the Halls of Congress ; remand it to the people of the territories and of the states." His appeal was to the essential fraternity of the American people and their love of liberty and union. His analysis was that his political failure would result in division and war. Such an appeal was at a disadvantage in the vivid, confident America of 1860, as compared with that of his chief opponents, each of whom urged in his own section that it was possible to have all their desires, had they but the courage to assert themselves. The American people are constitutionally skeptical of impending disaster.

## 3

One might suppose that with a candidate representing each of the contending sections and principles, and another standing for compromise based on principle, the issue was framed for presentation to the people. A fourth candidate, however, was already in the field before Douglas was finally nominated. This candidate, like Douglas, stood for peace and if logic ruled politics their forces should have combined. The complexities, however, of human motives, associations, prejudices, and points of view, prevented logic. The members of this fourth group had for the most part been Whigs. After the break-up of that party they had wandered like lost sheep, the larger group becoming Know Nothings or, as they called themselves, Americans. They belonged to the better-established classes, to some extent they represented wealth — cotton and slaves in the South, and manufactures and the professions in the North ; to a still greater extent they represented current respectability and conservatism. Relatively to the others their leaders were men of reputations already won and careers that might be considered complete. They even talked of nominating General Scott, commander-in-chief of the United States army, at the age of seventy-six. With more humor than is generally credited him he commented that



he was afraid he would enjoy the presidency so much that he would demand a re-election.

These men could not accept the principle of squatter sovereignty; their democracy was theoretical, and they could not accept Douglas. The fact is that Douglas was not quite a gentleman. With his new wife he splurged in Washington, associating with the flashy *nouveaux riches*; he inspired no confidence in the established members of society when confidence was what was called for. The new party met in Baltimore, the traditional convention city, and instead of a wigwam the meeting place was a Presbyterian church. Only nine states were represented, but this must not be taken as an indication of the limits of its spread; it was actually national. Its roster of delegates shone with associates of the giants of the preceding decade, with names illustrious in debate and public service, with men mellowed by experience into disinterested patriotism. Hoping to swell the scanty ranks that had voted for Fillmore in 1856, they discarded old names and adopted that of Constitutional Union. For president they put forward John Bell, a senator from Tennessee, with a record of over thirty years of efficient public service, a Whig who had fought Jackson in his home state. Linked with him was a vice-presidential candidate more distinguished than himself, Edward Everett, a Whig in politics, who had served as governor of Massachusetts, minister to Great Britain, secretary of state, and senator. He was still better known as president of Harvard. He was fresh in the public mind as chief supporter of one of those counter waves of nationalism which had recently been flooding back against the incoming tide of sectionalism. A movement started by a lady of South Carolina had embodied itself in the Ladies' Mount Vernon Association. To the campaign for funds the greatest contribution had come from Everett's oration "Washington and Union," an oration modelled on the classic examples of Greece and Rome and delivered a hundred times, each phrase pointed by the identical raising of the eyebrow and play of eloquent finger. The drive was successful, and in 1858 Mount Vernon was bought for the nation, the unity of which Everett now sought to preserve.

Discussion brought out differences among the delegates as to specific policies, and so the public statement of the Constitutional Unionists: "*Whereas*, experience has demonstrated that platforms adopted by the partizan conventions of the country have had the effect to mislead and deceive the people, and at the same time to widen the political divisions of the country by the creation and encouragement of geographical and sectional factions, therefore," — "Resolved, That it is both the part of patriotism and of duty to recognize no political principle other than the Constitution of the country, the union of the states, and the enforcement of the laws. . . ." The orators of the party attacked Douglas on the ground of impracticability, claiming that he could carry but few states in the North against Lincoln and none in the South. Upon Breckinridge they concentrated the venom of their gall, echoing Douglas' charge that the reason for his separate candidacy was to secure the election of Lincoln in order to render secession inevitable. They offered to the country the services of tried and able men, who could not, as Douglas might, be held responsible for the present crisis, but who, at the same time, hardly symbolized the vigor of the rising generation. Perhaps recognizing this they appealed to glory. H. W. Hilliard of Alabama, speaking for Bell in New York, said: "The Union must be preserved; glory lies before us; our duty as a nation is not yet fulfilled. Mexico, Cuba — those great problems — can only be solved by us. Europe is just now rising under the inspiring teaching of our example."

## 4

The outstanding strategic fact of the campaign was that only one of the four candidates could be elected by the electors of the people, while that very candidate had no chance should it come to a second running. Owing to the numerical preponderance of Northern population, Lincoln might carry sufficient states to win the presidency, but it was certain that no other candidate could. Were there no election, then the choice would go to the

House of Representatives, where each state would have one vote to be cast as a majority of its delegation decided ; but these votes would have to be cast for one of the three who stood highest with the electors. The representatives who would exercise the power of voting were those of the previous Congress, elected in 1858 and 1859. In the House the Republicans controlled fifteen of the thirty-three states. Since none would join them, Lincoln would have no chance of being elected by however inspiring plurality his name might be presented. The same situation practically ruled Douglas out of the contest. Even a considerable success could bring him but a few Northern electors and a mere handful from the South ; it seemed to be certain that he would be eliminated by coming in fourth. The contest then would lie between Breckinridge and Bell, with Breckinridge supported by the administration Democrats, the second most powerful faction, and Bell by the Americans. Neither could win, however, except by alliances and the fact that Douglas' little flock of anti-Lecompton Democrats would probably prefer the old Whig Bell to Douglas' political assassin. Breckinridge would give the Bell-Everett group an advantage in the bargaining. The election of Lincoln was perhaps more probable than his defeat, but the issue was not beyond the influence of accident or skill. Should he fail, betting would favor Bell with slight odds over Breckinridge. Douglas had been put *hors-de-combat* at Charleston but, with open eyes, he remained the most active figure in the campaign as the best bell-wether to lead from Republicanism the errant sheep of the North.

This opened the South to a free campaign between Bell and Breckinridge, and the success of either would further his advantage in the House referendum. Clever moderates such as Alexander Stephens of Georgia and his brother Linton favored the intrusion of Douglas, as his Democracy might win from Breckinridge confirmed party men whose keen scent would detect the whiggish Bell under the cover of his Constitutional Unionism. They were concerned less with the House vote, which would follow Lincoln's defeat, than with the Southern

post-election contest, which they feared in case of Lincoln's victory. They wished to pile up votes against Breckinridge.

In the North it was Lincoln against the field. The advantage, which this division in the face of an enemy whose forces might be calculated as roughly equal to theirs combined, was too evident to be ignored. Many efforts were made to secure the withdrawal of the three candidates and the substitution of one satisfactory to all factions. Breckinridge and Bell are said to have consented, should they be satisfied with the man proposed, but such a phenomenon could have secured a larger salary from Barnum than as president of the United States. Had the impossible occurred, it might have reduced Lincoln's chance of winning by pluralities, but it would have undoubtedly reduced the total vote against him, for doubtful adherents from every camp would have crossed the lines to Lincoln or stayed at home. Actually, while amalgamation failed, fusion took place in the most doubtful states, and there was even more co-operation in management. New York vindicated her reputation for skill in the art of politics and set forth an electoral ticket of thirty-five, of whom eighteen were known to be for Douglas, ten for Bell, and seven for Breckinridge. Similar arrangements, generally less formal, were made in other states, and the five-hundred-thousand-dollar campaign fund raised by John Jacob Astor was not so much to elect Bell as to defeat Lincoln. The failure of fusion in New Jersey gave Lincoln four electoral votes.

The political artillery of orations and parades ; of faithful canvassers and bullying ward bosses ; of prayer and singing and betting and pledges of post offices ; of commands by factory owners ; of cash payments, without which many a farmer from New Hampshire and Rhode Island to Ohio and Indiana would not deign to vote ; of appeals to Irish and to Germans, to lovers of the Constitution, the tariff, the Union, moral principle, common sense, national glory, to haters of foreigners, Southerners, negroes, Democrats, Whigs, Abolitionists, to the extremists who wished to go farther than the candidates, to those wavering in doubt, to the indifferent who might not come to the polls — all

this was not fired haphazard but to some degree co-ordinated, particularly by state committees, though with consultation with the national committees, especially with the Republicans. On May 22, 1860, Carl Schurz wrote to Lincoln :

I was elected a member of the National Central Committee and, as a matter of course, the "foreign department," if it may so be called, fell to my special charge. The plan I wish to carry out is as follows : I intend to get up a complete list of all the Germans, Norwegians, Hollanders etc. who can serve our cause in the way of public speaking and to make regular contacts with them. I would then send them in little squads into those states in which the principal work is to be done, have them stump township after township in regular succession as the exigencies of the case demand, and as soon as they get through with the work in that particular state, have them relieved by another party and sent off into another State. . . In order to carry out this system of canvassing the doubtful States efficiently, it will be necessary for me to take a survey of the whole ground first, to make my arrangements in detail with the different State central committees, to organize local committees and clubs where there are none, and to establish a complete system of correspondence. In 1856 piles of money and much work were spent for no purpose, because it was done at random and without plan and direction. . . By a canvass of this systematic kind I have no doubt we can at least double the foreign Republican vote in the Northern States and may secure Indiana, Pennsylvania, and New York beyond peradventure.

Additional to this organized urgency was the press. From the point of view of independent influence the American press of 1860 was probably more representative of American opinion and more powerful in welding it than at any other period. In the Jackson campaign of 1828 the press played a significant part, but it was in large measure subservient to the politicians ; few newspapers paid and most editors looked to aid from contracts for the public printing or to securing offices. The press today is a much better purveyor of news than ever before, but its very technical excellence is costly, and the political expression of most papers is controlled by large corporations which the reader cannot visualize. In 1860 the editors nearly all owned their papers, and

their incomes compared well with those of the representative men of their communities. Twenty-five thousand dollars, or less, would start a new paper, and every angle of opinion had its organ. Most editors were partisan, but were independent of party organizations. Horace Greeley craved political recognition as a leader, not as a lieutenant. Editors were famous; their faces were as well known as those of politicians, and many were quoted as frequently as individuals as by the name of their paper.

The Boston *Advertiser* commanded expert assistance from the Harvard faculty. The Springfield *Republican* was a sound exponent of interior New England. The New York press had nosed the Washington press from its metropolitan position. Greeley's *Tribune* was carried by the post westward to the frontier; its rival, the *Herald*, which, under James Gordon Bennett, was its superior in all but editorial verve, followed and answered it; William Cullen Bryant and Henry J. Raymond were catering more locally for the self-conscious intellectual and the conservative. The *Ledger* in Philadelphia, the *Enquirer* in Cincinnati, the *Tribune* in Chicago, were all held to the mark by local competition. The German-language press was at a very high level, and the *Westliche Post* of St. Louis ranked with any paper in the country. In the South the Richmond *Examiner*, the Charleston *Mercury*, and the New Orleans *Bee* radiated their views over a wide area.

None of these papers was national. To command a national hearing a periodical was reduced to having nothing to say, that is, nothing to say on such issues as clashed in 1860. Families North and South subscribed to *Harper's* and *Lippincott's*, with their carefully emasculated fiction, but the barest handful in either section read the popular debate of the other, though editorial names such as Greeley and Rhett were known and were anathema outside the spheres of their influence. Even the powerful religious press was divided in its opinions, and as the opinion of each periodical, so were its readers. The Washington press had ceased to lead, having lost its financial basis and its reputation as a result of the decision of the government to do its own print-

ing. Still, in 1860 Joseph Gales and William W. Seaton were editing the stately, venerable, and slightly senile *National Intelligencer*, which clipped widely from the press of all sections, giving somewhat the same service previously offered by *Niles' Register* and now by the *Literary Digest*, but emphasizing calm and unity rather than danger.

Many observers commented that the campaign of 1860 was less exciting than that of 1856. Possibly there was, and the circumstances would justify it, a greater degree of seriousness. It was still more important that effort be better concentrated. In 1856 the weight of the Republican wave was to be determined; most states in the North were doubtful. In 1860 the new political map was understood. In great areas the Republican movement, for instance, could be left to its inherent surge. The heat was directed to those points where the issue was held in suspense balanced by conflict. It is doubtful if the American people, unless possibly in 1896, ever participated in a campaign more enlightening than that of 1860 in the regions of doubt. It was a campaign built on six years of constant debate, preceded by another six during which points of view had been sharpened. If ever the people were prepared to speak it was in November 1860.

The result most important and most remarked was that Lincoln was elected president, 180 electoral votes to 123. He carried every free-state elector except three from New Jersey. Except for California, Oregon, and New Jersey he won his states by majorities, not pluralities — 1,780,022 to 1,575,131, with 180 electoral votes to 3. The North had taken advantage of its numerical preponderance and had spoken.

A second result of equal, if not of greater, significance was evident. The Lower South had endorsed Breckinridge and no compromise as emphatically as the North had put forth its champion. In Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, there were as few patches of opposition to Breckinridge as to Lincoln in his area. South Carolina would not make her choice until her legislature met, but her preference for Breckinridge was well known. Without counting South Carolina, Breckinridge's vote there was 220,460 to 173,314 for his op-

ponents. The extremists had each carried his own section. Together they won 252 electoral votes to 51.

A third condition plainly apparent was that these two sections, which were determined and convinced, were separated by a middle area. This region was not bounded by state lines. Indeed, if the results be examined by pluralities in counties instead of by states, it becomes evident that the free states were not standing in opposition to the slave states. This middle section included the valleys of the Ohio and the Missouri, edging upward to the northwestern border of Iowa. Doubt, however, extended much farther into the South. Two tiers of slave states, Missouri, Kentucky, Virginia, Maryland and Delaware, Arkansas, Tennessee, and North Carolina, were rent into a patchwork of preponderances. In these states Lincoln carried but two counties, both in Missouri. The contest had been between Breckinridge on the one hand and Bell and Douglas on the other. The compromisers carried 506,102 voters to 377,002, and 48 electoral votes — 9 for Douglas and 39 for Bell — to 25 for Breckinridge. In the distribution of these votes there was no evidence of a North-South influence, though geography, geology, racial and economic status, and political traditions were clearly apparent. Sectionalism was threefold; but of the three, the two which were isolated and radical knew their minds and the middle was in doubt, unready for action.

Of less general significance was the fact that the metropolitan area about New York and Philadelphia was against Lincoln. How this vote was divided among his opponents it is impossible to say because of the fusion. Certainly the figures which generally attribute all such votes to Douglas are radically wrong, and Breckinridge may be safely assigned at least 250,000 in the North, while Bell must be credited with a much larger support than the total 646,124 usually assigned him. On the other hand, the other strategic free area which rejected Lincoln, the southern half of Illinois, was voting solely with Douglas in their minds.

Some historians have emphasized the fact that Lincoln received but 1,857,610 to 2,787,800 for the field. In a unified democracy this would have been of significance. But the United States,



even disregarding sectionalism, has never been a unified democracy. Area has counted as well as people, and location gives weight recognized by the Constitution. So far as totalizations have meaning, it is more important to note that the radical candidates received 2,749,233 votes and the Unionists 1,856,836. It is well also to remember that the American system of government was a system balanced in three branches. Only the executive was elected in November 1860. The Supreme Court was not open to choice. Nor was Congress actually in question; its elections would not be complete until the following September. One knew that the Republican organization could not hope to control Congress, but no one knew how much support they could collect from other parties, from Bell men who had been Whigs, or from Democrats who must look to Northern constituents in voting on measures of domestic economy. The new fact in the world was that on March 4 a Republican would become president of the United States — were a United States still in existence. The administration which for sixty years, since the election of Jefferson, had been controlled by the South, would be controlled by the North.

■

## CHAPTER II

### SECESSION

#### I

THE American people as constitutionally organized had, in November 1860, instructed their electors to name Abraham Lincoln in February to take his oath as president on March 4, 1861. Until then he would have no authority, and the actual administration of James Buchanan stood upon a rejected mandate powerless. This hiatus in government had been arranged on no principle but purely because of the transportation inadequacies of 1789. By 1860 it was already an anachronism, but it was retained until the adoption of the Twentieth Amendment. Three times it endangered the republic, and in no instance did men by means of political accommodation seek to remedy the defects of the Constitution. For four months the national government was stalled.

In the November elections three sections had spoken, two very distinctly ; but no immediate action could be looked to from them, for they possessed no political organization. Powerful as sectionalism has been in our history it has no organic official life. Business, transportation, and religion have recognized it, but not government. Many people believe in the advantages of such a provincial system intermediate between state and nation, but even yet the dangers of subdivisions so large in area, so coherent in interests and organism, give cause for hesitation. Had such organizations existed from the beginning it is quite possible that the Union would not have reached 1860 without a break. In 1860, had the South been a corporate body, action would probably have been delayed by the hesitant states of the North. As the situation actually stood, it was these states only that were prepared to react immediately and precisely to the decisions of the electorate.

It was not a "fire bell in the night," as Jefferson said of the Missouri crisis, that they had to confront, but rather the first con-

tact of Poe's descending pendulum with the skin. Thought and conference had preceded the event, not conspiracy, as John Hay and John Nicolay, Lincoln's faithful secretaries, still thought when they brought out his biography in 1890, but the forethought of hospital and surgeon that take shape in the family mind before the x-ray makes necessary the fatal word, cancer. Southern governors had corresponded, Southern representatives at Washington had conferred, men's opinions and the movements of their minds were known long before the ballots were cast on November 4. It was not a new event but a subconscious reaction to the election itself that turned all eyes to Charleston and South Carolina.

South Carolina was geographically, economically, socially, and politically the most unified state in the Union. This unity was due both to nature and to effort. She had not merely grown but had been founded with an idea. This idea was clumsily expressed in the first charter, that erratic expression of the talent rather than the genius of John Locke; but the failure of his charter as an instrument of government did not frustrate the intention of his principles, which was to appeal to a certain class, a class always large in England, bred to the gentle life and without the means of maintaining it at home. Scions of country families, officials wary of retirement, the educated without posts, found here for a time their Mecca. They were joined by a numerous group of French Huguenot refugees of similar tastes, and by planters from the Barbadoes who sought a better climate.

Wealth came soon as Charleston gathered the quick returns of the fur trade, drawing in deer hides from the West to the Mississippi and clothing English bodies and legs while New York was covering heads with beaver hats. These profits financed the cultivation of rice and indigo which spread up and down the lush lands of the coast hemmed in between the ocean and the Pine Barrens. By the time of the Revolution these plantations were among the best examples of industrialized agriculture in the world. Middletons, Pinckneys, Ravenels, developed them into estates whose gardens still enthrall the spectator at the proper season, but for "the season" their owners sought the coolness of

Charleston and the columned and many-galleried houses on the water front. Boys were educated at Eton and the Temple, girls made their debuts at the balls of the Saint Cecilia Society ; dying men bequeathed fortunes of a million dollars, and dedicated their sons to the public service.

In the meantime a hundred and fifty miles to the westward the long valleys of the Appalachians were leading down from Pennsylvania and Virginia a new element, a mixed stock intellectually dominated by the Scotch-Irish. John Mair, visiting Charleston in 1791, wrote in his journal : "I am told the country beyond the Hills is a fine Climate and soil. It is inhabited by Refugees from Virginia, whose manners are more savage than the Indians, but that they are a strong hardy race, and I make no doubt in time will become respectable to their neighbors." Already they included the boys, Andrew Jackson and John C. Calhoun. Jackson went west, but it was as typical that the Calhouns spilled out of the valleys eastward into the Piedmont. Soon such hardy invaders outnumbered the white aristocracy of the coast, and the state was rent by their strife. The burning question was that of representation ; the coast controlled by prescribed electoral districts and by counting slaves for representation ; the up country would control should equality of white representation be established. Material policies must wait upon this preliminary contest, which became a training school for the statesmen of South Carolina's great period. They solved it in 1808 by a compromise which assured the coast region of the Senate and the up country of the House of Representatives. They solved it and peace was the result. The universality of the principle involved, that of a mutual veto by discordant elements, became a conviction in their minds, and Calhoun glorified and beautified it in his supreme thesis, his *Disquisition on Government*.

However sound the theory, it was not the sole cause for the harmony which followed its adoption. For some time many of the coast planters had been substituting for their indigo the beautiful long staple sea-island cotton. Now Eli Whitney's cotton gin made profitable the short staple variety which could be grown abundantly on the broad Piedmont that stretched from the Pine

Barrens to the Hills. The mountaineers who had descended into this region had not been living their simple life of adventure and hardship because they loved it. They had memories and hopes of better things, and cotton offered them their opportunity. The story of many of their families is illustrated by that of the Calhouns, who but barely afforded John a secondary school education ; but when it was achieved could send him to Yale, then keep him North for two additional years of professional study and when he returned offer him a plantation for sustenance and the possibility of public life. The rival factions of the state were blended by plantation, by cotton, and by slavery.

This condition had scarcely come into existence when there was applied to it the welding power of a common grievance : the fall, rapid and permanent, of the price of cotton. On this subject, and on that of the mutual veto, South Carolina opinion was formed by the acceptance of one undoubted fact and the exclusion of another of equal weight. Leaders, particularly George McDuffie and John C. Calhoun, proved without the possibility of refutation that for an economy such as theirs a protective tariff was detrimental, and they accepted with joy the idea of Calhoun that free trade and the international specialization that it represented were superior to the old idea of national self-sufficiency. The unquestionable fact that the protective tariff injured them caused them to overlook the equally unquestionable fact that the chief reason for the decline of cotton prices was the rapid westward extension of cotton planting. With a common grievance and a common remedy the two parts of the state became as one.

In 1860 South Carolina constituted the outstanding example in America of a slave-holding aristocracy. Eight of her citizens owned five hundred or more slaves each, while only seven in all other states possessed so many. Seventy-two owned between three and five hundred, while in Louisiana, the next in rank, were only twenty such holdings. The number of slaves was 402,406, of free negroes 9914, of whites 291,300. The gulf between the races was here the deepest, the proportion of mulattoes was nowhere else so small. No state was more native. Except for

Vermont, South Carolina had sent out a greater proportion of her population than any other, but she was the home of only 9986 foreigners and of 14,366 migrants from other states. The aristocracy was a real one, with a function, and was quite successful. Until about 1830 the pushful poor could enter it, while after that the strongly dissatisfied had migrated. The electorate had stood for thirty years at about forty thousand, elections were fewer than elsewhere, and here only were presidential electors still chosen by the legislature. The ruling aristocracy consisted of about ten thousand persons, nearly all of whom a liberal interpretation of cousinship made "connections"; but they ruled by consent, the less fortunate consoled by the loving thought that in the presence of slaves every white man was an aristocrat. Among the upper ten thousand wealth was of no social significance, nor was it common; the ordinary plantation but barely supported the recognized standard of good living. The richest man was Wade Hampton who, with fifteen hundred slaves, drew most of his reputed income of three hundred thousand from his plantations in Mississippi. Old Mr. Chesnut had half a million dollars in investments to help out his crops, and it required three plantations to make his son Johnny a gilded youth.

This aristocracy was differentiated from those of other states and still further crystallized within itself by two factors. Mrs. Chesnut, witty and wise diarist of the coast society, wrote in 1862: "This race has brains enough, but they are not active-minded like those old Revolutionary characters, the Middletons, Lowndeses, Rutledges, Marions, Sumters. They have come direct from active-minded forefathers, or they would not have been here; but, with two or three generations of Gentleman planters, how changed has the blood become! Of late, all active-minded men who have sprung to the front in our government were immediate descendants of Scotch or Scotch-Irish — Calhoun, McDuffie, Cheves, and Petigru, who Huguenotted his name, but could not tie up his Irish." This leadership gave to its community a moral correctness quite different from the moral and intellectual force of Virginia with her philosophers such as Jefferson and Madison and the high practicality of Washington

and Marshall. When slavery was put upon the defensive, South Carolina set herself to improve the condition of her slaves, working a minor revolution between 1850 and 1860. Calhoun brought to politics the qualities which John Knox had devoted to religion. When he laid down his theses his fellow citizens exerted themselves, not in the constant re-examination of the premises, but in the logical exegesis of accepted dogmas.

All the throbbing currents of South Carolina pulsed through Charleston drawn by its fan-like system of rivers, canals, and railroads, its command of capital and trade, and the charm of its social life. From Charleston, boys of old families now went forth together to Northern colleges and schools. Europe, foreign travel, and cousins from Philadelphia and New York provided association with the rest of the world, but the life of the city remained uncontaminated. Literature was less dwelt upon, but culture was more embracing than in Boston. Fashions flowed in from across the ocean, but were accepted only as they responded to the touchstone of local good taste. Men were expected to be gracious, even to each other; and ladies, without being blue-stockings, were expected to converse on many subjects. Charleston possessed a society which did not quarrel with gaiety and a gaiety which drew a line against the fast. For a hundred and fifty years she had been the delight of visitors of refinement and the joy of her people. Her charm has found more recognition in her post-war desolation, but in 1860 it was charm combined with power. Her outlook on the world in 1860 was not that of old ladies from their curtained windows but of young gentlemen conscious of force and action.

It was no deadening agreement, killing the joys of conversation, that united South Carolina. The Hamptons disliked slavery, while Mr. Petigru, practically alone in his acceptance of Marshall's views as to the sovereign character of the United States Constitution, was welcomed at dinner for his witty tongue and found ample employment for his legal talents. Politics were keen. While the state had for forty years been calculating the value of the Union there was wide divergence as to how its advantages might be preserved without its evils. By the middle

of the 'forties hope in political alleviation was well nigh dead. Nullification had proved a failure, and the Constitution by itself was not trusted. In the South, chief reliance was placed on that balance of slave states and free states, which seemed an adaptation of South Carolina's own device of mutual veto. When the admission of California broke that balance the majority in the state despaired of safety and wished to leave the Union, but only a minority was ready to do so without support of other states. Her conservatism placed little reliance on the hope of new slave states won by expansion, and between 1850 and 1860 the movement for separation grew. The victory of Breckinridge in the "Cotton South" merged those who wished to leave the Union only with neighbor states and those who would act alone. South Carolina might now depart with reasonable confidence of support. Debate was over and action called.

In September 1860, there had been formed at Charleston the "1860 Association," which engaged in correspondence, collected information, and distributed 166,000 pamphlets preparatory to the crisis. Early in October Governor Gist sent a private agent, General S. R. Gist, to inform the governors of nearby states that in the event of Lincoln's election South Carolina would probably secede even if alone, and asked what action might be expected from their states. By November 9 answers had been received from all the "Cotton South." None was ready to act alone, desiring consultation in a convention of sympathetic states; but perhaps most significant was the reply from Georgia: "The action of other states may greatly influence the action of the people of this state." Meanwhile, on October 12, Governor Gist called the legislature to a special session to choose presidential electors and to consult for the safety of the state. When it met this legislature chose electors and called a convention "to take care that the Commonwealth of South Carolina shall suffer no detriment." Similar calls in 1832 and 1851 had been followed by sharp contests, but in 1860 there was no dispute. Calmly and with common purpose the people chose in their districts the most venerated leaders, not doubting what was to be done but wishing it done in decency and order.



On December 17 the convention met in Columbia, but because of conditions dangerous to good health adjourned immediately to Charleston. Unanimously on December 20 it passed an Ordinance of Secession and on the twenty-fourth adopted a Declaration of Causes. The latter set forth the formation compact theory of the Constitution ; it asserted that the Northern states had violated this compact by their personal liberty laws, throwing obstructions in the way of the return of fugitive slaves, and that the anti-slavery agitation, long a peril to Southern institutions, had become intolerable now that the former was in the hands of a Northern president, elected by the North alone, who was pledged to create a Northern Supreme Court and who had said that the Union could not long endure half free and half slave. On the same day an "Address" drawn by R. B. Rhett was adopted which was intended particularly for the people of the other slaveholding states. This listed the grievances which the South had suffered at the hands of the North. Among these was the tariff, and Mr. Rhodes in his classic study finds an inconsistency in the fact that South Carolina had voted in 1857 for the existing one : this may have been a formal illogicality, but of course the imminence of a change of policy on the subject was indeed one of the major reasons for South Carolina's action.

Desiring separation, the convention also desired peace. The tariff was left for the moment unchanged, to be collected by the same officials ; and the revenue was to be held for account, thus obviating an immediate break and the application of the Force Act of 1833, which South Carolina had repudiated, but which was still on the statute books of the United States. Three commissioners, R. W. Brownell, J. H. Adams, and J. L. Carr, were appointed by the convention to go to Washington to arrange for the transfer of all forts and other real estate of the national government to the state, the division of all other property and debts accumulated and contracted by the "Government of the United States as agent" of the states with which South Carolina had recently been a partner, and to negotiate on all other measures necessary for the continuance of peace and amity. Commissioners were appointed also to Alabama, Mississippi, Louisiana, Arkansas,



Barnwell Rhett, Secessionist  
From *The Illustrated Times*, London, May 25, 1861



Georgia, and Texas. Informal conventions were held with the Charleston consuls of Great Britain and France, but in the expectation of a new union with congenial states no formal step was taken regarding trans-Atlantic relations. That there were hopes for an extension of the new union beyond the states directly addressed is indicated by the passage of an ordinance providing for the registration of vessels of "any of the slave-holding commonwealths of North America," but of no others.

Thus South Carolina had made her great decision with dignity and precision. It was greeted with shouts and church bells and cannon, with revelling in the saloons, popping of champagne corks in private mansions, prayers and sermons in the churches, in general with deep earnestness and with pleasure. As the Hampton boys said, one did not want to be understrappers for ever to the Yankees, those busy, self-righteous Yankees with their ungentlemanly concern for other people's business. South Carolinians had hated participating with them for thirty years in Congress and might now look forward to a new congress of men of congenial minds. It would not only be cheaper to trade with Great Britain and France than with Pennsylvania and New England, but the associations which trade brought would be more mellow and agreeable. Meanwhile, as the new year opened, posts shuttled back and forth as before, trains crossed the border unquestioned, and goods and travellers and creditors went and came.

Yet the possibility of war was in the air. Barnwell Rhett thundered hate in the old *Mercury*. Young men preened themselves in uniforms, some of them gay at the idea of playing a new game, some like Johnny Chesnut: "No use to give a reason — a fellow could not stay away from the fight — not well." Out across the bay was the United States flag flying from historic Fort Moultrie, its garrison a rat in a trap; but on the morning of December 27 the flag revealed that the garrison had shifted and was now ensconced in the modern armor of the new Fort Sumter. It faced the Palmetto flags of the new nation rippling over bristling batteries manned by five or six thousand of the flower of South Carolina, gorgeously caparisoned cavalry and

artillery companies of young aristocrats, and regiments with gentlemen officers, each with his body servant and surrounded by loyal poorer neighbors in the ranks. Behind the show of war was the solemn confidence expressed by the venerable Mrs. Charles Lowndes: "God help us. As our day, so shall our strength be."

## 2

Across the savannah lay Georgia. Beginning with well-shaded Augusta with her cotton mills and agreeable young Northern cotton factors, the broad and fertile Piedmont stretched westward, with a hill region to the north much larger than that of South Carolina, with pine barrens to the south, and a coast plain of less importance. Georgia was a land of politics. Superfluous counties, which had been created by the desire for office-holding, still milked her resources. In most counties were courthouses, stately, expensive, and inflammable. Her population was more emotional and less metaphysical than that of her eastern neighbor. In religion the Episcopal and Presbyterian churches were less strong than the Methodist and Baptist and that modified American form of Scottish theology known as Cumberland Presbyterian or Christian.

Georgia knew how to enjoy politics. Whole oxen and sheep were barbecued in some pleasure grove; ladies flocked there in their silks and muslins and country girls in calicoes, all powdered in a way to shock the sensibilities of New England matrons, but as innocent as they of rouge. In these surroundings orators swayed the throngs with rolling periods. No county was without its corps of orators, golden-voiced, silver-tongued, each "probably the most eloquent in the South." In the art of speaking there were at least half a dozen who could compete with those of any state. In the South, Georgia was the state of debate, as Illinois was in the North. It was in Georgia, particularly, that it would be decided whether South Carolina would be left alone in her schism. From November to the middle of January discussion seethed in courthouse and home, in train and bar, on leisurely river steamers, at the parliaments of crossway stores,

and at prepared forums of prize protagonists; no state of this period was so immersed in the war of arguments.

Unlike South Carolina, Georgia was sectionalized geographically and socially, with an extensive hill country where slavery petered out as one went north. In no other Southern state, however, had such difference been so minimized by good treatment. The cotton-planting majority had built through their region, from Atlanta to Chattanooga, the Georgia state-line railway — perhaps the most successful public work undertaken by any state after the Erie Canal. The governor since 1857 was Joseph E. Brown, a mountaineer, the favorite leader of his fellows in spite of his education in South Carolina and Yale. There were shadings of opinion, but not hostility as one went northward.

Wherever he spoke there were two assumptions that a Georgia orator must make. The first was that the states had the right to secede. In 1832 Georgia had checked South Carolina's nullification program, and she never adopted the subtleties of Calhoun's logic; but she had asserted her sovereign rights before South Carolina had done so. In 1793 she prepared to resist the execution of judgments by the United States in the case of *Chisholm vs. Georgia*; she prepared to resist John Quincy Adams in his attempt to protect the rights of Indians as he saw them. In both cases it had been the national government that avoided the issue. In 1860 there was no Unconditional Union man in public life in Georgia. During the discussion, states which had already seceded were referred to as independent republics. All agreed that secession was legal, but its expediency was always questioned. The second assumption was that Southern rights must be defended. Just what those rights were was not, and could not be, defined. They were realized only when attacked, but then the reaction gave immediate conviction. An extreme instance was the argument of T. R. Cobb that the electoral votes of the Northern states having personal liberty laws should not be counted, as they had violated their constitutional duties. A list of the rights chiefly in mind in 1860 may be deduced from amendments to the Constitution of the United States proposed in the Georgia convention by Herschel V. Johnson. Two provided for equality

of slave property in the territories, with other property, contradicting "squatter sovereignty"; one for the admission of new states "as the people thereof may determine it at the time of admission" — an assertion of "popular sovereignty"; three for the efficient administration of the constitutional provision for the return of fugitive slaves; one for the protection of inter-state slave trade; two for the protection of property in slaves accompanying persons "travelling or temporarily sojourning" anywhere in the Union; and one to the effect that "The Supreme Court [in the Dred Scott case] having decided that negroes are not citizens of the United States, no person of African descent shall be permitted to vote for Federal Officers nor to hold office or appointment under the government of the United States." No man who was not prepared to defend such rights could hope for public recognition in Georgia. When one remembers that Herschel V. Johnson had just been Douglas' running mate and could not be considered a secessionist, one may assume that Lincoln's election called for some change either by direct action by the one side or reassurance from the other.

Thus the substance of Georgia politics was not disagreement on principle, but difference as to policy. This indeed is the clue that gave order to the kaleidoscope of shifting alignments and personal formations which, in the years from 1850 to 1860, baffle one who attacks the problem from the point of view of geographic and social statistics. There were trends of interest but, for the most part, it was the secondary motives of affection and personal rivalry and the gleams of opportunist expedients that made the Georgia elections for ten years as close and unpredictable as any in the country and which abetted the zest of orators. After the election of Lincoln the question of policy was whether Southern rights could best be obtained by immediate secession, or by first conferring with the other Southern states in the hope that some means of remaining safely in the Union might be found. On the recommendation of the governor and by the advice of the chief protagonists their point was submitted to a convention in which the people might express their views through their delegates.

No more picturesque duel could have been arranged than that which then shaped itself. The two rival leaders were Robert Toombs and Alexander Stephens. Toombs, who led for direct action, was big, lazy, perverse, and not too well informed, but when he spoke he glowed with the certainty and magnetism of perfect faith. Stephens, slight and frail, and considered the most intellectual of contemporary Southern leaders, was firm in his basic conviction, but came to decisions on policy only with difficulty and with a haunting sense of uncertainty in his mind, while he argued them, perhaps over against them, with the genius of a lawyer born and trained. High-minded and honorable, he was aware of facts and of the currents of world thought ; with deep affection he loved liberty and union and Georgia. Piquant in their physical contrast, the contest of the two was still more fascinating for their long, close co-operation in politics and the friendliness that made the bachelor Stephens an inmate of the Toombs household when in Washington. Earnest and admiring crowds knew that their affection was undiminished by their present division. Stephens and his supporters were properly called at home "co-operationists"; they were improperly and disastrously known in the North as Unionists. Undoubtedly, Stephens himself, and probably a majority of his followers, hoped that their plan would result in an amended United States Constitution under which union would be possible. His plan of a convention of Southern states to frame terms for submission at Washington, however, could be upheld by those who merely wished to make the case for withdrawal more convincing by offering the old Union every chance to do justice ; for Stephens stood for secession as the ultimate remedy. With his winning eloquence, Stephens pictured the actual property of the South and the spirit of union as the "oxygen," "the simple, unseen and unfelt agent" that produced it. He reviewed the history of the United States as evidence that the South had not been oppressed, and he maintained that Lincoln, even if willing, would be restrained by the good judgment of the whole people from taking action deleterious to slavery : "I am for exhausting all that patriotism demands, before taking the last step. I am . . . for maintaining the Union



as it is, if possible." Stephens, however, was strongest in painting the alternative, the result which he believed would follow direct action. Cassandra-like he foresaw war: "I look upon this country, with our institutions, as the Eden of the World, the Paradise of the Universe. It may be that out of it we may become greater and more prosperous, but I am candid and sincere in telling you that I fear if we yield to passion, and without sufficient cause shall take that step, that instead of becoming greater and more powerful, prosperous and happy — instead of becoming Gods, we will become demons, and at no distant day commence cutting one another's throats. This is my apprehension."

Toombs, back and forth from Washington, led for immediacy. One argument, powerfully insisted upon by the Washington caucus of secessionists, was that the golden opportunity of an impotent national government should be improved, that Lincoln should be confronted by an accomplished fact. On December 23, Toombs telegraphed from Washington: "Secession by the fourth of March next should be thundered from the ballot box by the unanimous voice of Georgia . . . such a voice will be your best guarantee for liberty, tranquility, and glory." Believing this to be a more practical policy, he also believed it to be safe. One sometimes wonders at the Southern insistence on secession at a time when revolution was an honorable word in the vocabulary of every American; the difference was in their implication. Revolution was honorable, but it was violent and must achieve its end by force. Even Stephens hardly thought that would be possible. He feared the rejection of the just demands of his prepared Southern constitution, but "in this way our sister Southern States can be induced to act with us; and I have but little doubt, that the States of New York and Pennsylvania, and Ohio, and the other Western States, will compel their Legislatures to recede from their hostile attitude, if others do not. Then, with these, we would go without New England, if she chose to stay out." A voice in the assembly shouted: "We will kick them out."

To most Southerners, secession was legal, no violation of the structure of the law, but a voluntary change of status under law;

and therefore it should be peaceful. Would it prove so? After the event it seems a mere mouthing of vain words; but in January 1861, a chance untried, it loomed as the major uncertainty in the minds of the undecided. Did not even Northerners know in their hearts that the Constitution was really a compact? If a whole people by orderly process, by stately deliberation, asserted their desire to govern themselves, would the modern enlightened world of the second half of the nineteenth century brook interference? One was confident in the broad light of day; one's confidence melted through a sleepless night; it grew again with the rising sun. Assurance came with the breezy resilience of Toombs, with the news of other states seceding, with the very excitement of the debate; as men in the North scoffed at the fear of secession and voted for Lincoln, so in the South fear was a poor argument. All were men of the same generation, close to self-reliant ancestors who had scorned the counsels of the cautious because, in the circumstances of their lives, direct action was so frequently the only means to safety. As men answered Stephens' arguments to their neighbors, they naturally fed each other's hopes. Toombs had a concrete program and an appeal. Stephens, like Douglas in the presidential canvass, could offer only undefined chances and a threat. The substance of Toombs's speeches was a counter-review of history to show that the South had suffered more than she had gained from union; to the date of speaking he had the weaker case, but he was strong in pointing out that worse was yet to come.

Into the balance that rose and fell as Toombs and Stephens, Cobb, Johnson, Nesbit, and others succeeded one another, Governor Brown advanced another argument, which perhaps turned the scale for Toombs. Stephens said, "Let us not anticipate a threatened evil"; and many historians have judged the election of Lincoln an insufficient reason for action because of his own sympathetic and constitutional attitude and the fact that the Republicans would not control Congress. Governor Brown set forth that the mere administrative powers of the president were a menace surpassing that of war, to Southern institutions, and that no president is free from the passions of those who elect him.

"So soon as the Government shall have passed into Black Republican hands, a portion of our citizens, must if possible, be bribed into treachery to their own section, by the allurements of office ; or a hungry swarm of abolition emissaries must be imported among us as officeholders, to eat out our substance, insult us with their arrogance, corrupt our slaves, and engender discontent among them, while they flood the country with inflammatory abolition documents, and do all in their power to create in the South, a state of things which must ultimately terminate in a war of extermination between the white and the black race."

The validity of his fears is revealed by the fact that almost the only statement volunteered by Lincoln, while president-elect, was a promise not to appoint local officers distasteful to their communities. Lincoln recognized the situation and he gave his pledge, but who can be surprised that the word of this unknown Illinois lawyer was not accepted by Southerners as sufficient in a matter of life and death. The apprehensions of the South were based immediately upon the possibility that a Southern wing of the Republican party might be built up among the non-slaveholding whites. This fear had been brought home to them in 1857 by the appearance of Hinton R. Helper's *Impending Crisis*, a book built up on statistics and setting forth the thesis that slavery was a millstone around the neck of Southern progress, giving the rich a monopoly which kept the poor in poverty ; the endorsement of the book by various Republicans had brought the national House of Representatives almost to blows. The fear of a political invasion, however, was but a minor factor in the general problem of preventing propaganda from reaching the negroes. It had so happened that the beginning of the abolitionist campaign had been closely followed by one of the most serious and bloody slave insurrections in the United States, that of Nat Turner in 1831. No connection has been proved between the two events, and such outbursts had not been uncommon, particularly in the eighteenth century ; but the conceivable connection had redoubled in the hearts of the Southerners the terror always felt of the strange, unfathomable race about them, who were familiar with their most secret dwellings, who handled and

served their very food and might rise to decimate their rulers and owners, could they but plan their moment. All Southerners were aware of the revolution in Haiti and the genius of Toussaint L'Ouverture, whose praises Wendell Phillips had put into the mouths of Northern school boys. The educated knew of the Roman servile wars, much more horrible than struggles between conflicting nations.

In the 'thirties the South had determined that such a calamity should not fall upon them. By laws and by private co-operation they had set themselves to patrol their country roads ; to attune their table talk to the black ears about them ; to prevent the assembling of negroes ; to prohibit reading the incendiary literature of the North, which yearly grew in volume ; and to banish Northerners who did not conform to the universal taboo. In large measure they had been successful, but not without the co-operation of the national government. Should such co-operation turn to opposition, how long would the dike of silence stand ? Could Lincoln, if he would, appoint postmasters and a postmaster-general eager to suppress the circulation of the *Liberator* ? Would Republican marshals and judges in the North, whatever their instructions, enforce the fugitive slave law ? Even Webster, as secretary of state, had but lamely defended the Southern coastal trade in slaves against the pitfalls of the British West Indies. Were Lincoln sincere, would he prove strong enough to resist his party, intent as were so many of its members on spoils, and its greater wing anxious for action against slavery ? Or should he make the attempt, how long could he defend the bridge ? A Virginian, who chose to remain anonymous, wrote at the time a history of the four forthcoming years. He took for granted Lincoln's honesty, and pictured his repudiation by his party and the election of Seward in 1864. If one were to guess, this prophecy was as remarkable as any, but domestic security could not be built upon such flimsy guesses. As Lincoln saw the "house" in danger of becoming "all slave" by legal process, unless determination checked it ; so Governor Brown saw it becoming "all free" by fire and bloodshed, his vision all too realistically driven home by John Brown's raid. He might well have

quoted from the speech of Carl Schurz at St. Louis : "Can you deny that slavery for its own protection needs power in the central government ?" Slavery could not thrive under an administration merely not hostile ; it needed sympathetic understanding. It was an agreement that should not have sounded strange to those who were nursing infant industries in the North. Schurz believed that slavery was an anachronism in Western civilization, and that old age and infancy have similar necessities ; both North and South were demanding protection ; both offered the protection the other called for, and the North had won. Governor Brown seemed to touch the deepest chord. Before the peril he revealed, mere war paled into insignificance, and Stephens' most powerful appeal lost its force. Toombs's call for immediate action best met this psychology of fear, which was not craven but resolved to avoid the breakers ahead.

The test vote was in favor of immediate secession by 165 to 130. When the formal vote for the ordinance was taken on January 19, 41 of the 130 changed their votes to the majority side. All members signed the document when it had become law, many of them formally protesting their fidelity to the new order. Georgia stood solid for making a success of the policy which the greater number desired. That the majority, as in South Carolina, wished secession for its own sake is improbable. There were those who wished to separate from the North, there were those who preferred the British system of government, there were even those who hoped for a monarchy, but the greater number reluctantly broke their old associations in the sorrowful conviction that their old associates were unreliable. Somewhat ominous for the future was the fact that of the 89 who voted against secession in the final vote, nearly all came from counties where there were few slaves, and 52 of them constituted a majority from the mountain area of the northern part of the state. Such sectionalism might constitute a danger should the new order be too severely tested, but for the present the laws of sovereign Georgia ran throughout her limits of authority without force.

No Georgian expected his state to stand alone. Some Georgians still hoped that once Georgia became independent, she might

re-enter the Union after negotiating for satisfactory terms ; some hoped that the Northern states, except New England, would in time ask entrance into the new union that was to be shaped. These two classes were known as "reconstructionists." In opposition stood those who would limit the new union by the Mason-Dixon line, including only slave states. It was significant that the propagandist delegates of Georgia were sent not only to Louisiana and Texas, but to the eight upper slave states — Delaware, Maryland, Virginia, Tennessee, North Carolina, Kentucky, Missouri, and Arkansas.

Meanwhile all cases pending in United States courts were held in *status quo*. All laws of the United States, not inconsistent with the Ordinance of Secession, except that which made the slave trade piracy, and all United States officers, were to operate under the authority of the state ; and Georgia made herself responsible for "all treaties and contract obligations made and entered into by the General Government which Georgia was a member thereof, as far as the same are applicable." No customs dues were as yet to be levied against the states of the old Union, nor was the prohibition of the slave trade to apply to them. Negotiations with the United States, as with foreign countries, were left to the new union. Trains continued to run freely across the state borders, which were now frontiers ; letters came and went bearing the stamps of the old government, though some thought the mails not safe. For the defense of Savannah the governor ordered heavy cannon in Pittsburgh and rifles in New York. The cannon were withheld from shipment by a mob and the rifles were seized by New York customs officials. In reprisal he seized New York vessels found in the ports of Georgia. To relieve Georgia of her dependence on Northern school books, the convention offered prizes for those locally produced, but such books did not spring immediately into existence.

The Georgia arguments were those that shuttled against each other throughout the other states of the Lower South ; yet each, by the showing of its political boundaries, presented some different combination of geographical and economic forces, and individuals gave to each contest a distinctive slant. Alabama con-

tinued the geographical characteristics of Georgia ; her hill region, however, slithered down half-way across the state, and its differences had been less modified by good treatment. Planters were indeed interested in the possibilities of its iron ore and were thinking of developing it in combination with English capital, but Birmingham was as yet a dream of the future. On the other hand, the cotton area of Alabama, safely tucked away among congenial neighborhoods, was the most completely Southern of the country. Its life was the most provincial, its tongue had the softest drawl, and its convictions were the simplest and firmest. Its leader was William L. Yancey, tall and slender, with kindly eye and perfect faith. In him was found the ablest spokesman of the religious and moral reaction to the lashings of the abolitionists, which had for thirty years been arousing a conviction that slavery was a positive good founded on the word of God and the dictates of science, and whose fruits were revealed by comparing the condition of slaves with that of free laborers of Old and New England. With the steadfast conviction of a Garrison, he expounded slavery and its consequences, and carried most of his community with him. He favored the reopening of the slave trade. A follower, a clergyman named Morgan, said : "If I were to feel at liberty to carry out my convictions of what a pure Christian philanthropy requires at the hands of this generation — if I were to consent to commit any State to the active work of evangelization — I should pledge all its powers to go to Africa and to bring over ship loads of poor, savage slaves to a country where they would be raised to the condition of Christian slaves, which is the highest point that the negro race can reach, constitutionally with Divine Law, and their natural and physical organization."

As early as February 24, 1860, the legislature had authorized the governor to call a convention in case of "the election of a President advocating the principles and actions of the party in the Northern States calling itself the Republican Party." On December 6, the governor issued the call and, on January 7, 1861, the convention met. The most significant vote was taken January 10 on a resolution for Southern co-operation, which was

defeated, 54 to 45. Every vote for co-operation came from the hill country, except one from the Pine Barrens. The next day on the final vote for secession the vote stood 61 for and 34 against. The "ultimate secessionists" had joined the "straight-outs" and left the Unionists in a hopeless minority. Of the minority, 33 refused to sign the document, but signed a declaration of loyalty to the new régime. Mr. Clemens, who signed neither document and who declared, "The act you are about to commit is, to my apprehension, treason," nevertheless pledged his support to the state. The Unionists argued that secession was not a cure-all for evils which they suffered; some of the co-operationists argued that a convention of all the Southern states might secure satisfactory redress for their grievances and might thus avoid the necessity of secession. The latter, therefore, were for delay, and appealed to the "ultimate secessionists." In Alabama, as in Georgia, the shift of authority was successful, but the rift was more ominous for the future.\*

Such a situation called for moderation and made particularly necessary the winning of the Northern slave states to the new union, for northern Alabama would plainly constitute a provocative frontier. On January 25, the convention passed a resolution recommending to the impending convention of seceded states the necessity of making the navigation of the Mississippi river free. After a debate running through the entire session it also recommended to the same convention that it adopt "Such restrictions as will effectually prevent the reopening of the African Slave Trade." The first measure was intended to obviate the hostility of the Northwest, the second to win the favor of the Upper South. Alabama's ideas of the future were fairly definite; a union of all the slaveholding states and none others. It was a co-operationist who said: "A United South! What music to the patriot's ear! In it would be realized the brightest dreams of Southern statesmanship — the life-long ambitions of the great Calhoun consummated — and the institution of slavery protected forever against the propagandism of the Northern Maniacs. A

\* See C. P. Denman, *The Secession Movement in Alabama* (Montgomery, 1933).



united South implies all that is profitable in practise, beautiful in theory, and stupendous in conception."

In level Mississippi the cotton belt swung upward to continue, bearing its typical civilization, into middle Tennessee. In the central portion of the state it touched the rich valley lands of the Mississippi, and linked together the cotton lands of the Piedmont with that of the rivers and lowlands of the gulf. There was no mountain area, with its strong, crude life ; but on either side, to southeast and northwest, were regions thinly occupied by typical poor whites. The planter aristocracy therefore encountered no vital opposition and was almost as supreme as in South Carolina. It was, however, of a more mixed character. While there were settlements about Natchez almost a hundred years old, Mississippi, as a whole, was the real frontier of plantation culture. Here the oldest plantations were hardly touched by the finger of land exhaustion, and new gangs of hardy slaves, brought from the Northern slave states and purchased by capital from the East, were breaking down the forests into cotton fields. Slavery was more native, less sentimental, and more profitable than elsewhere. It was more highly industrialized and, in many cases, plantations were managed by overseers responsible to absentee owners, such as Wade Hampton of South Carolina. Its resident planters drawn from many states were, for the most part, able administrators who had created their own estates, as had the great Virginians of the Revolution ; they were not such inheritors as Mrs. Chesnut deplored. Its tone was derived from South Carolina both by migration and by the appeal of self-confidence which the South Carolina program offered.

It was by agreement with the South Carolina leaders that Mississippi called the Nashville Convention in 1850. In 1860, it was commonly felt that the pupil had become master and that Calhoun's mantle had fallen upon Jefferson Davis, his tall Kentucky frame held straight by West Point drill, successful in love and war, husband of Zachary Taylor's daughter, with a first-class record as a junior in the Mexican War, plantation creator, and statesman. In 1850 he ran unsuccessfully for governor on

the program that the Compromise of 1850 was unsatisfactory to the South, and was beaten by 1009 votes. He lost nothing, however, in prestige ; and by 1860 he had become probably the most influential voice in the Washington caucus of Southern members ; while the North recognized his leadership more completely, perhaps, than did the South. In 1860 he canvassed his state, not so much to assure the victory of Breckinridge, which was certain, as to prepare the public for the consequences of Lincoln's election, which he foresaw. Debate in Mississippi after the election was almost as unnecessary as in the Palmetto State.

The convention met on January 7. The opening prayer expressed its emotions : "Thou, Oh, God ! hast seen the malign and mighty agencies which many of the sister States of this great national family have for years past employed for our annoyance, reproach, and overthrow, as equals in a Confederate Union ; and how they have pursued the process of depriving us of our just rights, and destroying in our midst the institution which Thy Providence has solemnly bound us to uphold, defend and protect. . . And, now, Heavenly Father, we commend to Thy special care and blessing the Welfare and interests of the several Nationalities of our own, and distant lands." Seriously and with little argument the convention did its work. On January 9 the test between the immediate secessionists and the co-operationists resulted in the victory of the former, 84 to 15. All members but one immediately signed the ordinance, and that one soon enlisted in the Confederate army.

In all the states whose action has been discussed, as well as in Florida, which quietly took her place with them on January 10, by a vote of 62 to 7, there had been the basic thesis, debatable but with strong arguments to support it, that successful separation and a new union with a revenue system adapted to local needs would bring increased prosperity. To this was often added the subsidiary, but not entirely logical, corollary, that by such a government local manufactures might be nursed to greater strength. One must be careful, however, not to exaggerate the weight of what to the modern mind might seem a major consideration ;

for these arguments could not then, and cannot now, be made to fit the situation of Louisiana, which not less willingly went out to its seeming economic detriment.

Louisiana did indeed produce cotton and consume Northern manufactures. Her characteristic and practically active agricultural interest, however, was in her sugar plantations and great industrial plants, which were highly organized, economically unitive and with profits that connoted not mere comfort but wealth. The essential difference was that the land available for the culture of sugar cane was not sufficient to supply the people of the United States, and that, consequently, the sugar planters could profit by a protective tariff. The manufacturers of the Northeast, ever anxious to find agricultural allies to give protection a majority, were generally willing to write sugar protection into their tariff schedules, and their co-operation had been one of the mainstays of the Whig party. A Southern confederacy would as surely afford a smaller consuming public and a legislature sympathetic to plans for high duties.

Still less could a case be made out for New Orleans — New Orleans the luxurious and wicked, where river planters, lodged sumptuously in the St. Charles hotel, sold their cotton and often spent their profits — New Orleans with its opera, its famous restaurants, its French-speaking, Roman Catholic aristocracy, and its Creoles, suspect by the Protestant Anglo-Saxon gentry of the cotton belt. Scarcely were the courtesies of social intercourse maintained between these groups, which had as little mutual understanding as the societies of London and Paris. But recently a special strain had been added in the adhesion of so many of the leading families of the eastern South to the American party, which hardly regarded foreign-speaking people as natives and was sure that Roman Catholics were not. It was well to keep South Carolina in the background and leave mediation to the river planters of Mississippi. Social cohesion barely maintained could not be strengthened by appeals to interest. It was true that in 1857 the flow of Northwestern trade began to turn from Mississippi and New Orleans to the railroads and New York, but this was not yet apparent, and if observed would merely call New

Orleans to improve her facilities, rather than to throw her customers outside the boundary. In fact, it was the war which so quickly dug the eastern channel which without the war must have but gradually won the West to its use. The greatness of New Orleans, and the vision of that greatness before it existed, had always rested upon its being the mart of the valley, and a division of the valley must diminish its importance. Robert Wickliffe, the retiring governor, did indeed assert in January 1860, that a tariff, or rates-tax, on Northern goods would make New Orleans the greatest importing, as it was the greatest exporting, port of the nation, but the fact was that in 1860 New Orleans was still to one side of Southern wealth and there was more substance in the hope held out by A. R. Wright, the Georgia commissioner to Baltimore, that she might become the successor to New York and the metropolis of Southern commerce and finance. Perhaps New Orleans merchants were over-confident in the impregnability of her position, forgetting that in the nineteenth century geography had become mobile, and thought to use its power, as had the Spanish governors until 1803; they should have remembered, however, that the Spanish governors had failed, and that there existed upstream the descendants of the men who had made good John Jay's boast that God had made for them the Mississippi by which they might go to sea. But confidence had just been strengthened by the fact that Louisiana banks had held firm while so many of those of the North had broken, and feeling was strong that the economic preponderance of the North was an illusion in contrast with the stability of the South.

In Louisiana, therefore, it was rather the contagion of enthusiasm and movement that weighted the balanced arguments on policy to the side of action. The press spread the excitement and the restlessness. The public mind was fed with news from the seceding states and, with the activities of the Northern abolitionists, pride had long been roused by the slurs of self-righteous New England orators, and fear was stirred by evidences that such oratory was having its results in direct attacks. An item that excited passion was the letter of the somewhat scholarly James

Redpath to an anti-slavery convention which met at Boston in May 1860, in which he stated that he "had no faith in conventions, but only in the sword and insurrection," that he was "pledged to the work of inciting an armed insurrection among the slaves of the South, and therefore could have nothing to do with peaceful agitation."

Were John Brown a sincere fanatic, as the governor of Virginia reported, it enhanced the dangers. Criminals may be dealt with by the ordinary weapons of organized society, but extraordinary measures become necessary when conviction drives the conscientious to violence. When wounded pride and fear combine there are certain to be leaders who develop the emotions which they excite. By 1860 the wave of indignation and the demand for some plan of meeting the mounting tide of abolition gave power to those leaders who knew what to advocate. Pride and fear and hatred, those forerunners of war, were fanned by the press, and in the cosmopolitan community of New Orleans their flame overcame the motives of self-interest. On December 10, 1860, Governor Moore stated: "In the temper of the northern mind it is not possible to foresee the course of policy that Congress may determine upon, and it is the part of wisdom to prepare ourselves for any emergency that its legislation may produce." On December 12, he issued a call for a convention which met on January 25, 1861. On January 26, an Ordinance of Secession was passed, 113 to 17, seven of the 17 immediately signing the Ordinance. The flag of the new nation was blessed by Father Hubert, and a military board was established with a million dollars to spend.

It would be difficult to imagine the smooth running of a campaign, such as so rapidly took six states out of the Union, without the combination of a ready public mind and leadership. Senator Chesnut of South Carolina, Senator Toombs, Senator Clement C. Clay of Alabama, Senator Davis, Senator Benjamin of Louisiana, Mrs. Clay, Mrs. Davis, and their circles knew not only their purposes but the methods calculated to carry them out. Mrs. Chesnut was somewhat skeptical of their wisdom but rather consented than opposed. It was in Texas that their program

encountered the first obstacle to its functioning. This obstacle was her governor, Samuel Houston, who, except for Frank Blair, was the last of Andrew Jackson's young men. Houston was a man of some mental abilities, an obstinate will, and a strong penchant for the picturesque. Heroes of Wild West dramas could do no better than to copy the costume in which he became governor of Tennessee, and senators ambitious for newspaper space might well adopt his practice of whittling in the Senate. Beneath, he had a powerful emotional nature which had sent him so dramatically from his governorship into the wilderness, and no emotion was stronger in him than that of loyalty — loyalty to his old chief, to his old party, to the Union. Like Benton, he bitterly resented the control of the West by the united Democratic vote of the South. He foresaw the current of events and threw himself into the contest as he had earlier thrown himself into the birth struggles of Texas. In 1859 he sent a card to the papers: "Announce [as candidate for governor] Sam Houston as a National Democrat, a consistent supporter of James Buchanan in his struggle with Black Republicanism, and the little but dangerous Fanatics and Higher Law men at the South." He scored the existence of slavery on the Texas coast and the attempts of Southern leaders legally to reopen the slave trade. Everywhere, and particularly on the frontier to which he promised defense against the recurring Indian raids, he rallied moderate opinion. He won his election, but his victory could hardly be considered a triumph of his Unionism, for beyond all opinions and policies was the fact that he was the grand old man of Texas, her only national figure, victor at San Jacinto, captor of Santa Anna, and a lovable man; nevertheless, his election placed an Unconditional Union man in the governor's seat.

In the election of 1860 Houston supported Bell, but did not carry his state with him. He had failed to secure national aid against the Indians, and people were frightened by a characteristic frontier panic rumoring that abolitionists were poisoning wells. Bell received 14,463 votes to 47,584 for Breckinridge. Houston expressed his willingness to appoint delegates to a Southern convention, but he would not call a special session of

the legislature, fearing that it would vote for a state convention which would secede. Sentiment, however, was too strong to be stayed and extra-legal methods were resorted to. A self-appointed committee of prominent men issued an address calling for popular elections (December 3) for a convention to meet on January 28. The elections were so frequented that Houston recognized a mandate from the people and now called the legislature, which simply legalized the convention which was on the point of assembling.

The convention met as arranged and was opened with prayer by the Protestant Episcopal bishop. On the next day, January 29, it voted in favor of secession, 152 to 6. This vote could not be considered so representative as that in other states on account of the irregular character of the election, and perhaps on this account the convention accepted a proposal which had been made and rejected in some other states, that the matter be submitted to a referendum vote, which was ordered to take place on February 28. This popular vote almost reflected that for president in the preceding November; 46,129 for secession where Breckinridge had received 47,584 and 14,697 against, where Bell had received 14,463. There was, however, some shift of support. A row of counties in the north along the Red river, settled chiefly by Kentuckians and Tennesseans, small patch farmers, had voted for Breckinridge as the standard-bearer of the Democratic party, but now followed the lead of Houston and stood by the Union. The only other counties giving majorities against secession were on the central Colorado, two to the west of San Antonio, where there was a strong German colony, and one, Angelina, in the east; the plantation area and the frontier were stronger than in November for the party of action. The chief importance of the election, however, is the light it throws upon the general character of the secession movement. It was freely charged in the North, and the charge has been repeated by historians, that secession was carried by a skilful minority unwilling to run the risk of a vote by the people and enforcing the views of terrorism. In Texas, newest of the states of the South, with a population containing many rough characters, turbulent and reckless of hu-

man life, their election was carried out at the very end of the campaign, and it brought out a vote almost as great as that of November and as much divided. In nearly every county there were votes against secession, sometimes a mere handful daring to express such convictions; evidently terrorism was not a major factor. The Southern states had indeed never been so given to referendums as had those of the North, but the main reason for the failure in the first wave of secession to submit the question elsewhere than in Texas was that of time, to take advantage of the interim before Lincoln took his seat. The debate on the relation of the Southern states to the Union was spread over a longer time than that which preceded the American Revolution, and there is no evidence that in its last phases co-operationists were not as free to speak and act as were secessionists. Indeed, it may be said that throughout the country opinion shifted little from that expressed in the presidential election. The decision of the South for good or for ill was not the result of trickery or force but of conviction.

Some subsequent Daniel Webster might well have argued that the union of the Southern states was older than their secession, for such union was in the minds of all; the only question was of method. On December 31 the South Carolina convention suggested the basis for such a regrouping. The essential point it urged was time; the new organization should be in working order by the fourth of March to confront Abraham Lincoln when he became president. In order to have their organization functioning smoothly, new elections should be dispensed with; legally the conventions in the several states were their people embodied; actually they accurately represented the existing mind of the people. Let each convention choose delegates in number equal to the representatives and senators their states had been entitled to and send them to a general convention in which each state should have one vote. It would be easy to draw up a provisional working plan of co-operation by taking the Constitution of the United States as a model, correcting a few manifest errors, and eliminating those antiquities which had served as leverage points for Hamilton and Webster.



On January 11 the Alabama convention invited all the slaveholding states to attend a convention to meet at Montgomery, their capital, on February 4. This invitation was accepted, perhaps because of Montgomery's central location, perhaps by prearrangement, perhaps because Alabama had been clearly divided. The Alabama managers decided on January 31 to use for organization the South Carolina proposals which had been submitted to them by A. P. Calhoun, commissioner from that state. On February 4 "certain deputies and delegates from the several independent Southern States of North America, Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina" met, were called to order by Mr. Chilton of Alabama, and the kindly and revered R. W. Barnwell of South Carolina was made temporary chairman. The next decision was important. The convention chose as its permanent chairman Howell Cobb of Georgia, thus eliminating one of its most promising candidates for the presidency. Cobb had been speaker of the national House, governor of Georgia, and had just resigned (December 12, 1860) from Buchanan's cabinet as secretary of the treasury. During the 'fifties he and R. M. T. Hunter of Virginia were the only outstanding Southern leaders who had kept themselves national statesmen, possible candidates for the presidency of a united country. Cobb's executive ability was high, his attitudes were reasonable, and he might have served well as the Southern president. Some of the Georgia delegates felt rather bitter over his shelving, while others still hoped for Toombs.

On February 8 a "Constitution of the Provisional Government of the Confederate States of North America" was adopted. This followed the lines suggested by South Carolina. Its form is unimportant, as a committee was soon appointed to draft a permanent document, which actually went into effect February 18, 1862. The significant point in the provisional form was that by it the convention then meeting was to become, without new elections, the congress of the new government. The next day, by the unanimous vote of the six states, Jefferson Davis was elected provisional president. It was a choice embodying the best characteristics of democracy, for Davis had made himself

beyond any other individual the leader of the movement which was taking form ; not an originator nor a controller as Caesar or Mussolini, but distinctly *primus inter pares*. Whether it was a wise choice was for the future to tell. The selection of Alexander Stephens as vice-president was purely political. Nowhere else could his high abilities have been so well concealed, but his acceptance was a demonstration of the fact that the former co-operationists were now in harmony with the victors in the late debate.

Davis delivered his inaugural address on February 18 and promptly organized his administration. His cabinet contained a large amount of governmental experience. The naming of Robert Toombs as secretary of state was unfortunate, as he was too much an individualist satisfactorily to co-operate. Charles G. Memminger, a German-born South Carolinian, was doubtless selected as a treasury expert, but proved none too efficient. L. P. Walker of Alabama, made secretary of war, was, like Toombs, soon to be replaced. Stephen R. Mallory of Florida became secretary of the navy on the basis of experience as chairman of the United States Senate committee on naval affairs, and J. H. Reagan of Texas, appointed postmaster-general, had been chairman of the House committee on the post-office. The attorney-general, Judah P. Benjamin of Louisiana, possessed, as events proved, one of the finest legal minds in America or England, and had long been the friend and confidant of Davis, and he became the *alter ego* of the president in the conduct of the government. When one notices that with Davis as chief executive all the several states were represented in the cabinet, one recognizes the continuity of American political experience.

This continuity was confirmed in minor appointments. General Reagan promptly telegraphed to Washington, offering appointments to a number of clerks whom he had observed as efficient ; and they promptly accepted, perhaps foreseeing that the incoming Republican administration would have little use for their services. Reagan was under a mandate to make his department self-supporting, and succeeded in making postal contracts ~~with the~~ railroads at reduced prices, while he arranged plans for

the transfer of business from the old government to the new, which were satisfactorily carried out and might have served as an example to others, had the road of peace been followed. In all departments local officers, generally favorable to the new government as Buchanan appointees, were retained, administering the old familiar laws except where these were inconsistent with the new constitution or had been specifically changed. Military and naval officers of Southern birth were accepted for service without change of rank or duty. When the Texas delegates arrived on March 2, they found Montgomery at least as familiar as Washington would have been, the same hostesses receiving, and the chief change the absence of Northern members, so many of whom were uncongenial. The machine of government was functioning as of yore, and no new flag had yet supplanted the stars and stripes.

All over the South, continuity was more marked than change. Newspapers carried accounts of riots, but that had not been uncommon in the 'fifties, and they were confined to no one section of the country. Social ostracism banned Northerners who were not openly pro-Southern, but they had been rare anyway, except in ports such as New Orleans and cotton-buying cities such as Augusta. Plans to spend the summer at Newport and Waukesha were generally abandoned, but not business trips North for the spring restocking. By boat and railroad Southern merchants were receiving from the North their usual consignments of goods, domestic and foreign ; but credit was reduced. The tariff law which had been altered on February 18 worried the business men somewhat, but the changes consisted chiefly in the additions of agricultural products of the Northwest and of military supplies to the free list.

The possibility of war was continually in the background and received legislative recognition, but not on such a scale as could be considered threatening or militaristic. Various legislatures had begun strengthening militia and increasing supplies from the time of the John Brown raid in 1858 ; now legislatures and communities made modest new provisions. Still, war seemed less probable than it had during the January debate. On February

9 Junius Hillyer wrote Howell Cobb from Washington: "As to compromise, it is impossible. . . But the chances are good that the Republican party will acquiesce in the secession movement. I am sure of it if we can prevent a collision till the 4th of March." In February Gazaway B. Lamar of the Bank of the Republic of New York wrote Cobb: "My opinion is that the Republicans will show their teeth after 4 March and blockade and collect the revenues after their fashion to which you will submit of course, after your fashion." On March 8 he again wrote, discouraging Mr. Memminger's project of floating in New York a loan for the Confederacy. The less intelligent did not worry, since they believed that one Southern gentleman could whip ten Yankees; the leaders did not believe that the majority of the North could long be kept at war should one begin. More and more Southern independence became attractive, and less and less was said and thought of reunion. As early as February 16 Howell Cobb wrote to his wife: "I cannot better give you an idea of the sentiment of Congress than to say that my speech on taking the chair is approved by everybody — Stephens, Hill, Wright and Kenan are as strong against reconstruction as any of us." On March 21 at Savannah Stephens limited his hope of extension of the Confederacy to such states as would accept slavery as a fundamental institution.

This growing elation was principally due to the accomplishment of one of the most successful revolutions ever consummated: "Without a drop of blood," said Stephens. As compared with the Revolution of 1776, there had been less violence beforehand, more instantaneous obedience; and whereas that movement had been born in war, this was as yet unattacked. In fact, it seemed almost to contradict the historic axiom that revolution, however desirable, must be costly. So far as nine tenths of the public functions were concerned, there was no revolution, for state governments merely continued to act, resting upon the same sanctions as in the past. With respect for an habitual law and order, those who disapproved, even in large and separated sections, accepted the will of the state majorities. The Lower South had returned the only possible answer to the prophets

Lincoln and Schurz. Its "house" was now "all slave"; and if slavery were doomed unless it could control the central government, it now had a central government of its own which it could control.

It remained true, however, that many of the contests of the past between slavery and freedom had related to subjects that were not local, to the divisions of territory and to the return of fugitive slaves. Would the change of condition facilitate favorable solutions of such problems? To the minds of Southern leaders it afforded the only possible remaining means of doing so. As early as the 1820's James Hamilton of South Carolina had urged that minority representation in a legislative body irritated more than it clarified. Calhoun, building on the principle of George McDuffie, had urged that the natural selfishness of men is intensified by their union in corporations or sections, and that a sectional majority could for ever use its power to oppress a permanent minority such as that of the slave area in the United States. Their views had won wide acceptance through intervening experiences. In the Union the South would always be outvoted; as a recognized sovereign nation it would under the ægis of international law meet the North as an equal. Independence would give that balance for which they had vainly striven in the Senate, and which the dying Calhoun had hopelessly suggested in 1850 might be obtained by a double presidency. So far as mutual concerns were involved, North and South would each possess a veto; but the bounds of their co-operation by mutual assent would be unlimited. Diplomacy might well redress the disparity in population which had swamped the South in legislature and administration, and which would soon engulf the Supreme Court.

Small actions evinced the principles of their diplomacy. The road of secession for the Northern slave states was left open by a constitutional provision prohibiting the import of slaves except from "other slaveholding States of the United States." The Northwest was to be placated by a law establishing the free navigation of the Mississippi, subject only to dues for lighterage and pilotage, and certain provisions for supervision. On February

25 committees were appointed to investigate the questions of New Mexico and of Indian affairs, showing an intention to press for a westward extension of territory. The appointment of these committees was doubtless to strengthen the hands of the commissioners appointed on the same day to the government at Washington, but no action was taken to prejudge their negotiations. The commission was an able one, consisting of A. B. Roman of Louisiana, J. A. Crawford of Alabama, and John Forsyth of Georgia, and their only instruction as to immediate action was to secure the surrender of forts, such as Sumter and Pickens, in the area actually seceded and still held by national forces. On the same day W. L. Yancey and P. A. Rost were appointed commissioners to European countries.

The Confederacy thus in order fronted the world with a clear brow. No body of Americans of that date would have been satisfied unless conscious of being leaders in the progressive thought of the day. The *credo* of the nation was presented by Alexander Stephens in a speech at Savannah on March 21, which was almost identical with one reported much later before the Virginia convention on April 23. One advanced position which he set forth was the fact that even in its constitution the South aligned herself with the basic economic principle of Adam Smith, which in 1860 seemed to be winning the world for free trade and the natural differentiation of economic areas. With more insistence he argued on slavery. Probably with Lincoln's Cooper Institute speech in mind he stated that the old Constitution had been founded on the "evanescent" assumptions of slavery and on the "equality of the races." "This was an error. It was a sandy foundation, and the government built upon it fell when the 'storm came and the wind blew.'" "On this subject a change is evidently going on in the intellectual world—in the republic of thinkers." "Theories must yield to facts"; though "all new truths progress slowly." If slavery "is not best for the negroes as well as the whites . . . it is wrong in principle," but "the great objects of humanity are best attained when they are in conformity to [God's] laws and decrees. Our confederacy is founded upon principles in strict conformity to those laws. This stone

which was rejected by the builders is become the chief of the corner — the real corner stone in our new edifice.” “The process of disintegration in the old Union may be expected to go on with almost absolute certainty if we persevere in the right course.”

## CHAPTER III

### COMPROMISE

WHILE the Cotton South was seceding, the rest of the country was giving its chief attention to Washington, through whose agency alone it might affect the situation. There were two forms that such action might take ; one was typified in many an editorial that asked : "Oh, for one hour of Andrew Jackson !" and the other in the prayer for "one hour of Henry Clay." The first was an appeal for action by the executive, the second by Congress ; and neither the executive nor Congress was deaf to the appeal.

It may as well be stated at once that the executive failed to "command the storm," but the manner of his failing is not without interest, and was of some importance. James Buchanan, in confronting disunion, differed from Andrew Jackson, not only by a good proportion of the degree in which one human being may differ from another, but he was the left-over fragment of a shattered régime instead of a victor fresh from a new triumph at the polls. He faced, moreover, a South conscious of unity, whereas Jackson had had the warm affection of Georgia just won by his Indian policy. Curiously enough, Buchanan had at his command the same General Scott who had been at Jackson's right hand, and had in addition the Force Act of 1833, which gave him legal authority to collect at sea customs revenues due at Southern ports. The forces at the disposal of General Scott, however, were less equal to the occasion. Scott reported that there were available for immediate action only one thousand of the regular army, the remainder of the sixteen thousand being located in posts guarding frontier forts and post routes from which they could not be spared. The forty-two vessels of the navy, not by conspiracy, but according to the naval tenets of the time, were scattered at foreign stations at the Far East and the African Coast, and no cables existed to summon them hastily. Short of a rising of the people there was no force at the president's com-



mand which could have done more than inflame the self-sufficiency of Southern opinion. The president might have answered the argument that secession would be peaceful, but the blow he might have struck would have been so puny that irritation would have fed confidence.

Yet Buchanan continued to reveal ineffectiveness in a position which probably would have rendered an efficient man powerless. A weary plodding through twelve volumes of his writings and the substantial *Life*, which so able a man as George Ticknor Curtis was moved to write, shows a mind far more apt than most at arranging picture puzzles, but innocent of a third dimension. He was deeply sentimental; the tragedy of a lover's quarrel, the mending of which was prevented by the death of the young lady, kept him all his life a bachelor. A native refinement led him always to a dignified mode of living, and to pleasure in association with those more cultured than the friends of his youth. He reached his acme in the White House, which was never more charmingly administered than by his delightful and devoted niece, Harriet Lane. His keeping of this engaged niece with him for four years at Washington and then for six years of retirement at Wheatland indicates that his sentimentality was not devoid of selfishness. A host is not important in America, if he is powerful and the hostess competent, so that although so acute a critic as Van Buren wrote him down a bore, the executive mansion in his day became the fortress of old Washington, the playground of the Clays, the Davises, and Pryors. Its perfection impressed ministers from Siam and Japan; the young Prince of Wales remembered it all his life; and it gave to Buchanan the satisfaction of a man who had arrived. In its heyday this régime turned his sympathies to the South, and no administration was so completely dominated by the South as was Buchanan's. As the meeting of Congress in December 1860, approached, this pleasant circle began to disintegrate with the Union. Trouble began to infest Washington, the White House, and Buchanan's respectable but small brain and soul.

The preparation of his message was the subject of hot debate in the cabinet and among his advisers, of whom Jefferson Davis

was one. The message was Buchanan's work but was continually revised, and certainly Davis was not his last adviser. It contained a presentation of that theory of the Constitution in which Buchanan had been brought up, and which had been so many times set forth by more robust minds, that the Union was intended to be perpetual and the national government sovereign within its limits. Buchanan set forth that secession was unconstitutional, but on the other hand he could find no authorization for action by the national government should a state secede. This sense of impotence made him the more anxious not to be the cause of actual friction. When South Carolina's action was still impending, on December 8 and 10, he had conferences with congressional representatives from South Carolina who were anxious to forestall violence. The representatives found the president in responsive mood for advice and troubled lest the United States garrison under Major Anderson at Fort Moultrie be attacked; while they feared that the same garrison might be reinforced and made a focus for the control of Charleston. The result was an understanding on "honor among gentlemen" that neither action should be taken pending formal negotiations. On December 26 the official South Carolina commissioners, R. W. Barnwell, J. H. Adams, and J. L. Orr, arrived in Washington, where their path to an informal interview with the president had been prepared by William H. Trescott, also a South Carolinian, fresh from serving as assistant secretary of state and perhaps the most brilliantly endowed for diplomacy of any American of his generation.

Before the interview could take place, however, the situation had been dramatically changed. There were three forts in Charleston harbor. Anderson, with his little force of sixty effective men, was stationed in Fort Moultrie, the rear of which was practically unprotected, and open to capture by a mob, to say nothing of ordered military forces. On December 11 Anderson had been instructed by a personal messenger from John B. Floyd, secretary of war, acting without consultation, to take no action of offence but to resist attack, and as he could not defend all the harbor forts, to select whichever seemed to him

best. Opposite him loomed the almost-completed Fort Sumter, the last word in military defence, isolated on the little islet which it covered. On the night of December 26 Anderson transferred to it his garrison. No reinforcements had been received ; there was no augmentation of supplies ; but the military situation had been changed. The South Carolina commissioners who had taken Buchanan's understanding as a pledge, who could not believe that Anderson had been moved without the president's orders, arrived hot at the interview on December 28, and insistent that Anderson be ordered back. Buchanan gave them notice that he could meet them only as private gentlemen. "But Mr. President," said Barnwell, "your personal honor is involved in this matter ; the faith you pledged has been violated ; and your personal honor requires you to issue the order." Buchanan said that he must have time for prayer ; and prayer sometimes with tears, but without fasting, was his habit.

On the twenty-ninth Buchanan submitted his proposed reply to his cabinet. This body had been changing character. Lewis Cass had resigned December 14, 1860, because Buchanan had not taken action ; Howell Cobb resigned December 8, because of a sense of duty to the state of Georgia. Floyd's resignation had been requested for reasons unconnected with the national crisis and became effective December 24. Jacob Thompson of Mississippi alone represented the Lower South, and the pleasant coterie of the last three and a half years no longer sat about the council table. To their places Buchanan had called less congenial but older friends, the harsher, harder Democrats. Jeremiah S. Black, one of the ablest lawyers of the generation, was moved up from attorney-general to be secretary of state, and Edwin M. Stanton became attorney-general. Joseph Holt of Kentucky, who had served for a while as postmaster-general, became acting secretary of war ; and on January 11, 1861, John A. Dix of New York became secretary of the treasury. These men were all strong Unionists, and they, with his own fundamental beliefs, defeated Buchanan's sentimental attachment to the South. Anderson was kept at Fort Sumter. In a message of January 8 the president announced, on the advice of Black, that

while he could not make war on a state, "the right and duty to use military force defensively against those who resist the Federal officers in the execution of their legal functions and against those who assail the property of the Federal Government is clear and undeniable." On January 5 a merchant steamer, the *Star of the West*, was sent with reinforcements and supplies to Anderson. South Carolina officials were informed of the expedition, and when on the morning of the ninth she appeared off Charleston harbor she was fired on by South Carolina batteries. Her commander hoisted the United States flag, but the firing continued ; no response came from Fort Sumter, and she turned back. This was distinctly an act of war on the part of South Carolina ; and a call to action came from John A. Dix, secretary of the treasury, in an instruction to a treasury official at New Orleans : "If any one attempts to haul down the American flag, shoot him on the spot." Had the North been ready to fly to the defence of the Union at the call of a leader, which James Ford Rhodes believed was true as early as the time of Cass's resignation, then was the moment for demonstration ; but the assault on the flag was taken with comparative calm.

Buchanan's avoidance of direct action was not without design and was probably representative of the state of the public mind. In his message of January 8, he said : "If the political conflict were to end in civil war, it was my determined purpose not to commence it nor even to permit an excuse for it by any act of the Government. My opinion remains unchanged that justice as well as sound policy requires us still to seek a peaceful solution." His policy was to give time for compromise. His message of December 3 had plainly placed this duty upon Congress, with the added statement that the South had grievances which should be redressed. Andrew Jackson called upon Henry Clay, and for three months the possibilities of adjustment mainly occupied the country. It is probable that at the beginning the majority expected such efforts to succeed. In 1819, 1832, in 1849 Congress had been confronted by a similar discord of the same elements ; and peace, if not harmony, had been attained. Tradition heartened the peace seekers, and their success seemed still

more probable to those such as Charles Sumner and Robert Toombs who feared it. Nor was their cause dependent upon the chance inspiration of the moment or upon any single assembly of advisers. For at least two years many of the leading minds of the country had been at work on the precise problems now become insistent, and their programs had been set before the public. Now every newspaper became the forum of proposal and debate. Governors were laying down in states, slave and free, what could be conceded and what could not. Men were hastening to and fro for conference, and the mails were heavy with suggestions. It was with such recommendations and in such an atmosphere that Congress assembled on December 3, 1860.

It proved a chameleon body. Soon it was deserted by the South Carolina senators, the South Carolina representatives following; and during January there was an exodus of members from seceding states. At the end of the exodus from Congress there was left from Confederate territory only Senator Wigfall of Texas. At the meeting of Congress all four parties in the late campaign were represented. The Constitutional Union party, the members of which retained the old term "American," and who were united in their desire for compromise, consisted of two senators — John J. Crittenden, who sat in Henry Clay's seat for Kentucky, and John Bell — and twenty-four members of the House of Representatives. This party constituted the balance of power between the major parties. Douglas was his own senator, but he had six supporters in the House, while the large public behind him made his voice powerful. Thirty-six administration Democrats opposed by twenty-six Republicans controlled the Senate, which was presided over by their late presidential candidate, John C. Breckinridge; eighty-seven Democrats in the House confronted one hundred and fourteen Republicans and a speaker who was practically a Republican. The Republicans, with their victory at the polls and with their interpretation of the Constitution, were satisfied with the prospect. Before the session was over they were still better pleased, when the withdrawal of Southern members enabled them to pass

the Morrill Tariff Act. Compromise was called for by the defeated, and the bait must be the more attractive, as those most interested were not to be kept in the Union, as in previous crises. This bait, moreover, must be taken from the spoils of the victors when visions were most dazzling and when no actual accomplishment had soothed them or divided their ranks. It was a harder task than they had ever faced.

The recognized leader for compromise was Crittenden. At the age of seventy-three, whatever he had to hope of fame and domestic felicity was rooted in his success. He brought with him to Washington a list of proposals, the fruit of two years' thought and work. This list he presented to the Senate on December 18, and on the same day it was submitted to a committee of thirteen. The committee represented all parties and sections: Crittenden for the Americans; Douglas for himself; Davis and Toombs for the Cotton South; Powell, Hunter, Bigler, and Rice, Democrats from Kentucky, Virginia, Pennsylvania and Minnesota; and five Republicans, Collamer, Seward, Wade, Doolittle, and Grimes. The House appointed a similar committee of thirty-three, headed by Thomas Corwin of Ohio. Charles Francis Adams was the most important member of the committee. These two groups, however, seem not to have worked together in any sense as a joint committee.

The Crittenden proposal consisted of six suggested amendments to the Constitution, the sixth making the first five unamendable, and four resolutions. All were concessions to the South except for two resolutions that the prohibition of the African slave trade be made more effective and an amendment to the fugitive slave law of 1850 which did not touch the main Northern objection that no jury was required. The classic story of the compromise, which will be first discussed, deals with the first amendment. As first reported this provided that slavery be prohibited in all territory of the United States "situate north of latitude  $36^{\circ} 30'$ " (the compromise line of 1820). "In all territory south of said line of latitude . . . slavery is hereby recognized as existing, and shall not be interfered with by Congress, but shall be protected as property by all the departments

of the territorial government during its continuance." States from either section were to be admitted slave or free as their constitutions should provide. This appeared to be a mutual concession, for each section claimed the whole government. When one scanned the vague scope of the wide West, however, it was apparent that the South received little but the contentious inclusion of the word slavery in the Constitution. With California already a state and free, there remained only the Indian territory (now Oklahoma) and New Mexico, then including Arizona, from which Webster in 1850 had said that slavery was excluded by the laws of God and the ordinances of nature. Indeed, in January the Republicans of the House committee made the direct offer of this territory, and Lincoln wrote on February 1, "Nor do I care much about New Mexico"; but this proposal was rejected by the South.

It was not, however, in this sense that Crittenden intended his words, as is shown by his immediate acceptance of the following amendment clarifying his meaning: "In all the territory of the United States now held, or hereafter acquired." It was the status of future territory that was in question. Without assurance of what that status would be, the South was unwilling to carry on; it was upon the question of the giving of such assurance that the Republicans turned against the compromise. That such a debate could be held without apparent thought of the feelings of those under foreign flags whose status was in question seems today incredible. To most people in the United States of 1860, the territorial expansion of the nation seemed as natural and inevitable as the development of a growing boy. It was based on the progressive occupation of vast spaces, waste except for the Indians, who obviously did not know what to do with them. The country was utterly unmilitaristic, as the tally of army and navy plainly shows; nor was our expansion movement imperialism, for control was not its object. What the country desired was benevolent expansion of the American system of government, which all believed a boon to any it enfolded. The country was national, with the exception of a few rocks of resistance as in Boston and Charleston.

In the campaign of 1860 both Democratic factions endorsed expansion and Buchanan had recommended to Congress such definite points of commencement as Cuba and northern Mexico. Bell-Everett orators had lauded it, and the most inclusive speech ever delivered on the subject was that of William H. Seward on September 18 from the steps of the capitol at St. Paul, where he felt himself "in almost direct and immediate communication with the Almighty Power," and, forgetful of him who takes men up on high mountains and shows them the kingdoms of this earth, he scanned the continents. He saw the Russians to the north and said: "Go on, and build up your outposts . . . they will yet become outposts of my own country"; he saw the Canadians and said: "It is well, you are building excellent states to be admitted hereafter into the American union"; he saw "amid all the convulsions that are breaking the Spanish-American republics, and in their rapid decay and dissolution, the preparatory stage for their reorganization in free, equal and self-governing members of the United States." Not war, but an idea, a universal specific, was to produce this result. "Society tried for six thousand years how to live and improve and perfect itself under monarchical and aristocratical systems of government, while practicing a system of depredation and slavery on each other. The result has been all over the world a complete and dissolute failure. At last, at the close of last century, the failure was discovered, and a revelation was made of the necessity of a system by which henceforth men should cease to enslave each other, and should govern themselves. . . It has only one vital principle — what is it? It is the equality of every man who is a member of the state to be governed."

These idealistic expansionists had been unproductive of results for the last dozen years largely because of division within the United States over this very problem of the status of the territory to be acquired and because of the strength of Great Britain combined with a strange reluctance on the part of the Canadians to rush into the American system. This latter situation had precluded such compromise campaigns as that of 1844, when Texas was offered to the South and Oregon to the North. Impatience



at this halt was keenest in the South. Some Southern writers, as essayists in *De Bow's Commercial Review* of New Orleans, recognized new territory as necessary to the existing system of economic exploitation, which burned the fertility out of the land it fed upon. To the great majority, however, politics was more a motive than economics, and was in a condition still less satisfactory. Expansion was needed to provide slave states with votes in the Senate. It was this which drew the reluctant support of Calhoun and of South Carolina — the hope of restoring that balance which he believed was the vital principle, the philosophic rule of harmony.

There is evidence that when Crittenden asked Toombs : "Will this compromise . . . be acceptable to you ?" Toombs replied "Not by a good deal ; but my State will accept it and I will follow my State." There is also evidence that Davis would have voted for it, provided that the leading Republicans would accept it also ; for a compromise carried by the middle area and one of the opposing sections could hardly have been operative when one extreme section was leaving the country and the other about to govern it. The responsibility for the movement fell upon Seward, as the leading Republican and the secretary of state-elect in the new administration. As was entirely proper, he shifted it to Lincoln. He opened his whole mind to his bosom friend, Thurlow Weed, and Weed undertook the extraordinary expedient of a trip to Springfield for the sole purpose of a few hours' interview with the president-elect. There can be no doubt that Seward's negative vote of December 22 on this first item in committee, which was accompanied by the negative votes of Davis and Toombs and its defeat 7 to 6, was the result of their conference. The importance of this vote may be variously estimated. Rhodes believed that the contrary result would have held South Carolina and prevented war ; the present author considers it less patent ; but no one can deny the solemnity of this first action by Lincoln as a national figure.

There is no evidence that their decision cost Lincoln sleepless nights or profound meditation. He was ready and he answered ; as an honest man and a democrat, he did not on this subject speak

as a free man, but as a mouthpiece. After six long years of debate, during which he had exerted the utmost powers of his mind to make his position on this very question clear, he had been chosen by a party which expressed its support of his views. After a well-fought campaign in which this same question had been presented from every angle he had been chosen under the American Constitution to be chief executive on the program of no compromise. If democracy were aught but a pretense the people had spoken, and he existed but to be true to their decision. In saying no, Lincoln was but expressing one aspect of his conception of democracy. His reasons for believing that this decision was in itself right were open to every reader, but he did not now refrain in conversation and in letters from setting forth the existing crisis as he saw it. He wrote Seward February 1 :

I say now, as I have all the while said, that on the territorial question — that is, the question of extending slavery under national auspices — I am inflexible. I am for no compromise which assists or permits the extension of the institution on the soil owned by the nation, and any trick by which the nation is to acquire territory, and then allow some legal authority to spread slavery over it, is as obnoxious as any other. I take it to effect some such result as this, and to put us again on the high road to slave empire, is the object of all these proposed compromises. I am against it.

On December 13 he had written of the proposed fixed line : “Let that be done and immediately filibustering and extending slavery recommences.” Should secession in 1860 succeed in thwarting the opinion expressed by the people in 1860, would it not be employed in 1864 to enforce the acquisition of slave territory ?

All thought of compromise was not over with the committee's vote against Crittenden's first proposal ; Congress was fertile with suggestions, and other agencies were created. The legislature of Virginia, the home of Washington and the mother of presidents and governors, invited their own state to send delegates to a peace convention to meet at Washington, February 4. President Buchanan commended this invitation in a message to Congress on January 28. In its invitation the Virginia legisla-

ture gave a general endorsement to the Crittenden proposals, but added a requirement that owners of slaves have "the right of transit with their slaves, between and through the non-slaveholding states and territories." The response was quick from the states of the middle area, but the seceded states sent no delegates, and there was strong opposition in many Northern states. In the end all states still recognizing the Union were represented except Arkansas, Wisconsin, Minnesota, and three of the Pacific coast, where distances, if not other considerations, prevented the sending of delegates. It was in general a convention of gentlemen, men of education and family. It chose ex-president Tyler of Virginia as president; and the most active member was James K. Seddon, who stood for rather extreme Southern views. The leveling Republican member was Salmon P. Chase, lately governor of Ohio and soon to be secretary of the treasury under Lincoln, whose view was that the full Republican program — admission of Kansas, tariff, and homestead law — should be enacted before March 4 and then followed by a firm, just, kindly, and limited administration. The most interesting proposal was an elaborate plan for the application of Calhoun's idea of balance by giving North and South each what amounted to a veto on obnoxious legislation. In its final report the convention adopted this idea as a final solution of the territorial problem: that no territory should be acquired "except by discovery, and for naval and commercial stations, depots, and transit routes, without the concurrence of a majority of all the Senators from States which allow involuntary servitude, and a majority of all the Senators from the States which prohibit that relation." It will be observed that in this and in its other proposed amendments the convention avoided using the word "slave," which was excluded from the Constitution in 1787. The recommendation of the convention, submitted to Congress February 27, 1861, had no after-history, and may be considered as the last attempt at conciliation on the question of territory. Perhaps the rupture is well indicated by the actual mouse of compromise that did emerge from the mountain of discussion. On March 2 Congress finally passed an amendment, recommended by the House com-

mittee of thirty-three, embodying the idea of creating strata of laws of varying degrees of permanence in the same document upon which the Cromwellian charter had been wrecked, and which in addition met none of the points of major issue: "No amendment shall be made to the Constitution which will authorize or give Congress the power to abolish or interfere within any state, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State." Only Maryland, Ohio, and Illinois ratified this suggestion.

Meanwhile Congress was increasingly deluged with advice as the people woke more and more to the seriousness of the situation. On February 12 the president submitted with high approval the suggestion of the legislature of Kentucky for the calling of a general constitutional convention as provided for by Article V of the Constitution, under which such call could be made by a two-thirds vote of Congress or by two thirds of the states, a proposal that was kept alive throughout the war. Many petitions put forward still another idea, which was the submission of the Crittenden compromise to a popular referendum. As to the first, it may be said that it is difficult to conceive of such a convention as other than a resifting of the same minds which had for so long been exhausting themselves on the problem, or as dealing with other than permutations and combinations of the same ideas. Its results, moreover, would have to be submitted to the states of which three fourths must approve; as the seceded states would not take action and yet, by the constitutional theories of the Unionists, were still states in the Union counting negative when silent, it would require the approval of every loyal state but one to put the new amendments into the Constitution. The same situation would obtain with regard to a referendum. By the withdrawal of one radical section the conservative element might well have outvoted the remaining no-compromise area. The vote, however, would not change the legal situation, and the value as an expression of opinion would depend on whose votes were lost. To estimate the value of these proposals, therefore, it is necessary to re-examine the Northern mind to discover whether secession had moved it from its

convictions of November. Fortunately the material exists for such a re-examination.

In Rhodes's careful summary of evidence that the South would have accepted the Crittenden compromise and in evidence that has since appeared, there is only one item that can be deemed completely authentic. This is the statement of Toombs to the Senate on January 7: "I said to the committee of thirteen, and I say here, that, with other satisfactory provisions, I would accept it [the territorial compromise]." It is entirely clear what the most important of these "other satisfactory provisions" were. It was that stipulation, embodied in Crittenden's resolutions 1 and 2, which was to the effect that the South was entitled to a fair execution of the fugitive slave laws and that Congress recommend to the states the repeal of laws obstructing such execution. No one can suppose that Toombs and his constituents were so ethical that the passage of such a resolution would of itself prove sufficient; his assent and theirs depended on the response made by those states; and while the Lower South was seceding and Congress was talking compromise, the legislatures of the North were already at work in framing the response to their challenge.

The situation with regard to fugitive slaves in 1860 was as follows: Article IV of the Constitution provided: "No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall in consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered upon Claim of the Party to whom such Service or Labour may be due." In 1793 Congress passed an enforcing act providing for the delivery of such a fugitive upon presentation of proof of ownership to a local magistrate and for a fine on those who hid or assisted him. In 1842 the United States Supreme Court in *Prigg vs. Pennsylvania* ruled that the local authorities could not be compelled to aid in the execution of this act. This decision was both preceded and succeeded in various states by laws forbidding the use of state agencies for the purpose, their professed purpose being to protect their own free negro populations. Such acts were known as personal liberty laws. In the 'thirties there came into existence in the North an organized at-

tempt to incite slaves to escape. The *Liberator* suggested it to the illiterate by its cartoons, and a network of stations for the passing over of fugitives from the slave states to the Canadian border came to be known as the Underground Railway and handled many passengers. Undoubtedly many of the personal liberty laws were designed to impede the recovery of the fugitives as well as to protect free negroes.

In 1850 this obstruction in the recovery of fugitive slaves was one of the chief complaints of the South, and the passage of a stricter enforcement law was the main concession it received in Clay's compromise of that year. This law followed the earlier one, which again had colonial precedent in excluding jury trial, and in general favoring the alleged owner; and it heavily penalized all obstructions. Its most important feature, however, was that it provided federal commissioners especially to serve its purpose and so rendered enforcement free of state aid. It was followed by two marked effects. The first was a greater efficiency, under the administration of friendly presidents, in preserving slave property; in 1850 the number reported escaping was 1011, in 1860 it was 803. The other effect was to arouse a far wider and deeper opposition in the North, which was expressed in jail-breakings led by respected citizens and in a new crop of personal liberty laws intended to meet the changed situation. The Northern purpose was now plainly to impede the execution of the federal law by forbidding the use of all state agencies such as jails and officials, the issue of writs, and in some cases by such positive provisions as the arrangement for jury trial and public defence attorneys. California, New Jersey, and Minnesota alone offered aid in carrying out the law; New York, Indiana, Illinois, and Iowa had little or nothing on the subject; the other states showed in varying degrees the intention to render the law futile. The United States Supreme Court declared the law constitutional; but this made little impression on Northern opinion, for the court was presided over by Roger Taney, and a majority of its members were from the slave states. The law was attacked on the ground that the constitutional clause placed the obligation on the states, and its enforcement was not a func-

tion of the national government — strange ground for the broad interpretations of the North. If this was true, the personal liberty laws were plainly a breach of faith. If it were wrong, they constituted effective nullification. On March 19, 1856, the Wisconsin legislature, in connection with the Booth case involving the rescue of a fugitive slave in Racine, voted the endorsement of the famous Kentucky Resolution of 1799, with the substitution of a "positive defiance" for "a nullification" as "the rightful remedy" in case the national government passed a law plainly beyond its assigned powers. In the same year Byron Paine was elected by a vote of 40,500 to 38,555 to the supreme court of the state on a platform proclaiming the right of a state court to override that of the United States in such cases.

These laws threatened the South, not only by the actual loss of property, but by the insidious demoralization of slave labor generally. With the change in national administration these laws became a menace, and many Southerners expected an exodus of slaves to Canada. It was true that Lincoln promised enforcement of the law of 1850, but no American of 1930 could maintain that the honest determination of a president is a guarantee of the enforcement of a law in territory hostile to it. Much more profoundly the South felt the personal liberty laws as evidence of an incompatibility between the sections so great as to render union a mockery. John Brown's raid was an affair of individuals; the personal liberty laws were the deliberate judgments of majorities of the several states which passed them. Slave property was legal in the South. It was protected by the national Constitution. In the North societies publicly meeting and reporting to the public press professed and demonstrated their purpose to steal this property, and the governments of states abetted these projects. This incompatibility between the states of the South and many of those in the North was the most convincing argument for secession. As Yancey said, "the defeat was not in the constitution but in the conscience of the North." The time had come when unless the North changed its conscience or the South its institutions the two could not dwell together in amity.

Although the first anti-slavery movement arose among the Quakers, and Pennsylvania was prompt in its personal liberty law, the South attributed, and rightly, this militant conscience to New England. New England, however, consisted not solely of its six granite-based and ocean-washed states, but of a homogeneous population which, like the Southern plantation system, had swept westward, carrying its ideas and institutions with it. Colonial migration had carried self-sufficing communities into Long Island, Westchester county in New York, and northern New Jersey. Post-Revolutionary migration had won large areas in central New York around Rochester, northern Ohio around Cleveland, and in southeastern Ohio, which regions were thoroughly New England. Even when individuals during the first half of the nineteenth century ventured beyond these planned colonies, ties of affection and acquaintance and convenience of accustomed habits gathered them in swarms, and made southern Michigan, northern Illinois, southeastern Wisconsin, and middle Iowa homelike ; while churches and colleges such as Oberlin, Beloit, and Grinnell kept alive their spiritual and intellectual ideals. Southward were flung coherent groups, as in Cincinnati, Indianapolis, and St. Louis, and thousands of individuals, largely teachers and members of other professions, were welcomed because of their New England education, among kindred or mixed populations, where some changed their opinions, but most retained their characteristics and mental habits.

The antipathy between New England and the South was mutual and of long standing. Their co-operation during the Revolution was in large part due to the intermediary moderation of the middle colonies, and Samuel Adams was very doubtful if the co-operation could survive the war. When the South seemed in the saddle under the Jeffersonian régime, New England seriously considered separation, not on the basis of secession, but of revolution ; and a powerful element at the Hartford convention in 1814 set forth a program which might have led to it had the War of 1812 continued longer. The knitting of economic ties between 1815 and 1860, extensive as it was, did not bring the sections closer in harmony. In fact, those very ties



brought into being sharp issues like that of the tariff. In part the South grew more Southern with the intensification of cotton culture, while New England grew increasingly industrial. Their dominant philosophies, both social and political, grew ever more clashingly defiant; and perhaps more vitalizing than all else was the fact that it was good form in the South to appear less occupied than one was, while in New England it was considered proper to simulate activity when no reason for it existed; in the South it was bad manners to betray too great an interest in one's neighbor; in New England it was sinful sloth to disregard his salvation.

In 1860 most New Englanders lived in the economic stage of semi-sufficient communal life where all labored and all labor was performed by members of the same stock. Farther westward, class lines based on occupation became dimmer, employing the essential equality which throughout the area received at least lip service. In spots, however, the industrial revolution had been for some time changing this life, and there came a tendency to delegate the cruder new functions to foreign immigrants of different traditions. These foreign immigrants were received on the same basis of equality; no legal bars existed to prevent their rise and, while there was little assimilation, social barriers were not prohibitive. The old New England stock, however, was still dominant in its own areas. The Irish were the most active of the foreign elements but were partly offset by the French Canadians, with whom they were uncongenial, and the cotton operatives from Lincolnshire who, except in a few points of conviction, were docile followers of the New England mill owners. It was only because of the division of the ruling stock that the foreign voters counted. In the states of which the New Englanders occupied only a part this stock constituted an aggressive political bloc.

The majority of the New Englanders had from the beginning of United States history supported the idea represented by the Federalist and Whig parties. There had existed, however, from colonial times a strong opposing element, based primarily on class lines, which had been knit into a firm organization by the genius

of the Jacksonian party leaders. This division was stronger at home in the six states than among the western immigrants, and it did not run so deep as to split the basic convictions of contract as the proper foundation of all relationships human and divine, considering the United States Constitution as such a contract, nor weaken the strong tendency to bring all issues to the test of conscience. In the second quarter of the nineteenth century a new division had been produced by the appearance of a renaissance of New England intellectual life which did split the stock from end to end into the orthodox and the unorthodox. Minds were thrown open to all ideas, and the glory of free intellectual inquiry threw a roseate light over the remembrances of a Puritanism that was losing its fire.

By 1860 this intellectual chaos of the 'thirties had assumed some order. It had become evident that intellectual heresy was not destroying orthodoxy of character and habits in the existing generation. The reformers were as neighbors, gentle, moral, and interesting; and irritating as were their comments upon the communal life, this friction was lessened by the focusing of their chief attention upon the sins not of neighbors but of slaveholders living in distant states. This was not a strategy on the part of the reformers but inherent in their philosophy. Their creed was individualism and equality; their mission was to free men from the shackles of law in the belief that once free their equality would assert itself. The main activities of those at home were directed to destroying the last evidences of Puritan control, which were relatively unimportant, whereas the worst example of legal inequality in the world was the status of the slave, which was very important to the South. It is true that not all their proposals were consistent with their philosophy; they were keen humanitarians as well as philosophers and, as is true of most ardent reforming groups, any proposal of uplift, labelled reform, could win their support. Thus most of them were supporters of state prohibition of the liquor traffic, which more consistency would have led them to oppose. They were, in fact, even in their opinions, sons of their sires, and their belief in individualism and freedom could not expel their long-inherited sense of the re-

sponsibility of the community for its members. Thus so far as they were nationalistic — and all except the extremists were — their sense of community in the Union gave weight to their intellectual hatred of slavery in any part of the nation.

Slavery had never been popular in New England and throughout the eighteenth century had been under attack. By the time of the Revolution it was generally regarded as contrary to American principles, as it was at that time in most of the colonies. The obstacles to its abolition were fewer in New England than in the states where slaves were more numerous; it was between 1777 and 1784 that slavery was abolished or put in the process of abolishment. To the succeeding generation it had become an anachronism that called for moral reprobation. It was to their children that it first presented itself as the crying evil of the age to be cured by eradication immediate and without compromise. The number who felt at once this supreme urge was of course small, and the commotion into which their activities threw the Union, combined with their insistence on racial equality, turned the majority against them, perhaps with the greater violence because nearly all were at one in their belief that slavery itself was a cursed institution. At home the Abolitionists were gadflies stinging the New England conscience to action. For twenty years their progress was slow and to them unsatisfactory, but the penumbra of those who were stung to action, though to deeds less violent than they demanded, grew rapidly. In 1847 John G. Palfrey prevented the election of Robert C. Winthrop to the speakership of the national House because of shades of difference, and in the election of 1848 the Free Soil party held the balance between the Whig and Democratic parties in the North and were soon able to send Seward, Chase, and Sumner to the Senate.

In the 'fifties the anti-slavery movement swept the New England area like a whirlwind. One potent factor was the new fugitive slave law, which brought slavery in the most offensive form, the recapture of the slaves who wished to be free, to the very hearthstones of New Englanders. At least as much as the Kansas-Nebraska Act it made Theodore Parker and Abraham Lincoln intelligible when they warned that the "house" might be-

come "all slave." Another factor was the driving home of an appeal, long powerfully made in England, to the class consciousness of labor, by the insistence that slavery anywhere was a danger to all who worked in freedom and an affront to the dignity of labor. From 1854 the majority of New Englanders were openly anti-slavery. By 1860 a majority were willing to extend to the relatively few negroes who were resident among them the suffrage which some of their states had in fact long accorded them. The new Republican party, of which they constituted the majority, became to them a divine instrument for the cleansing of the nation ; though their leaders exhibited the acumen to clothe it in moderation and to direct its banners against attack rather than to rush them forward against the enemy citadel, as the genuine abolitionists had done. Not since the Revolution had one object so obliterated the differences between this contentious people. Not since then had they been so animated by a sense of right. As the average Southerner believed so strongly in the constitutionality of secession that he thought Northerners must, under their skins, know it to be legal, so the average New Englander was convinced that Southerners could not but be aware of the wickedness of slavery and so were sinners against their own consciences.

Greater New England was not held together by an enchainng gossamer of social relations as was the South, but a rich blend of ideas and opinions pulsed through all its strata of classes and to its remotest firesides. The stately periodicals of a dozen denominations presented every question as one of religion and morals ; a reform press of several hundred papers, some persistent, some ephemeral, advocated such a cause with general approval of other causes ; a few leading weekly newspapers were circulated or quoted to the farthest confines, and lecturers, many of them like Emerson, the finest intellectual products of America, braved the perils and hardships of travel to address audiences prepared for them, and many listeners discussed their messages for months afterward. Massachusetts was the most important New England state, earlier looked upon as the Northern rival of Virginia and lately of South Carolina. She was in fact less a leader than they.

The distributing centre of New England ideas to the westward was "York state," where Horace Greeley thundered in his *Tribune*, Henry Ward Beecher in his *Independent*, and whence came Thurlow Weed's moderating voice in the Albany *Evening Journal*, but "York state" New Englanders, with the allies which they won by their earnestness and their public policies, constituted but half a state. They produced their "up state" majorities only to have them met at the Harlem river by counter majorities in the "city." Sometimes they won, sometimes they lost ; they were inspired by the continual conflict, but they could not put into law a rounded program. Their personal liberty law, which was passed in 1840 when Seward was governor, no longer operated. In January 1860, therefore, the entire New England community turned its questioning gaze upon Massachusetts.

Massachusetts possessed an aristocracy of singular durability. Its leader in 1860 was Robert C. Winthrop, descendant of the first colonial governor, and it constantly, though grudgingly, received those who proved their quality as Cabots and Lowells. Without great estates but with skill in shifting their capital from land to shipping, from shipping to manufacturing, and now, under the guidance of J. Murray Forbes, to railroads, its families passed on manner and importance to generation after generation. It has stood for three hundred years less for leadership than for stability. Moving more slowly than the mass of the population, it had divided dangerously in the Revolution, losing many of its citizens to England and Canada ; but it retained sufficient lustre to draw new and kindred blood by which it rose again to substantial control from the days when it followed the alien Hamilton to those when Webster was its revered attorney. In 1860 this aristocracy was anti-slavery, but it was still more strongly Unionist. It produced radical extremists such as Wendell Phillips and Charles Sumner, but it repudiated them. Its commercial wing opposed protection, and its manufacturers realized the existence of interests common to the producer and manufacturer of cotton ; during the existence of the Whig party they had been mostly "Cotton Whigs" in contrast to those fewer "Conscience Whigs" who would put slavery first. To them and to their in-

fluence must be credited most of the 22,331 votes which Bell and Everett received in the state. They elected William Appleton to Congress from a district consisting of residential Boston and suburban towns, and their weight would be solid for the repeal of the personal liberty laws.

In uncongenial co-operation with them were the two Democratic factions. A small but persistent aristocratic element had always been in opposition ; and in 1860, led by one of the most brilliant minds in the state, Caleb Cushing, and in alliance with one of the shrewdest of politicians, Benjamin F. Butler, it led nearly six thousand votes to Breckinridge. The real nucleus of the Democracy, however, was among the farmers of the inland rocky areas, where in a process lasting through the first half of the nineteenth century, local leaders arose and freed their towns from the spell of the local squires and turned their supporters into lifelong adherents of Jefferson or Jackson. They were nourished under Democratic administrations by partnerships and passed on to their sons the burning brand of party loyalty. These farmers of the hills, with some groups of immigrants, clung in 1860 to Douglas and gave him over thirty-five thousand votes.

From the days of Anne Hutchinson, however, through the Reconstruction that followed the Civil War, the latent power in Massachusetts which took command when moved to action was that of the average citizen led by a separate aristocracy of intellect and profession. There are in history few examples of families maintaining through so many generations an inheritance of such ability and power as did the ecclesiastical dynasties of Massachusetts ; each generation was sent almost literally naked into the world save for education, blood, and discipline. While a family proud of seven generations of ministerial ancestors could not be said to be of the people, and while their austerities kept them from much intimacy with their flocks, yet they showed at all times that capacity for leadership which put them in the front of progress, yet not so far ahead as to lose their following of farmers, merchants, mechanics, and native laborers. It was chiefly from this ecclesiastical class that the leaders of the renaissance had come ; and during the 'fifties, with protest and

argument, the rest rapidly took fire from this new flame and passed on the light to their followers, Unitarians and Congregationalists, Baptists and Methodists. In 1852 J. P. Hale, the Free-soil candidate for president, received 28,025 votes ; in 1856 John C. Frémont, the Republican, 108,190. Meanwhile a majority of the membership of their congregations voted Know-nothing in state elections from a nativist and economic distrust of the rapidly rising flood of immigration. When in 1860 the Republicans won Carl Schurz and many Germans by their platform declarations in favor of the foreign-born, they lost some of the "sifted grain" of New England, and Lincoln received but 106,555 votes, about sixty per cent. of the total.

Massachusetts never underestimated her importance and was fully aware that the secession of South Carolina was a challenge to her. The situation was tense. The *Springfield Republican* and the *Boston Transcript* urged substantial changes in the personal liberty laws. As was customary, reputation was drafted into service ; the signatures of thirty-five eminent leaders of the bench and bar, of scholarship and of finance, were secured for an address favoring the accommodation of the South, while a petition with fifteen thousand signatures was sent to Washington in the august custody of Edward Everett and Robert C. Winthrop. On December 3, and again on December 12, Wendell Phillips was rudely handled in Boston by a well-dressed mob of those who agreed with the president that Phillips' tongue was endangering the Union. The great annual meeting of the Abolitionists, which petitioned that the laws be made more strict, was mobbed in Boston on January 24. Wealth and organization were for a gesture of good will, and the total number of Massachusetts signatures on petitions favoring compromise was roughly forty thousand to thirty-seven thousand for standing by the position which the state had assumed.

Charles Sumner, the leader of the Republican haters of slavery, was mad with anxiety lest the anti-slavery parapets already won, which were to him but the merest approach to the fortress to be taken, should be abandoned by their defenders ; and he tried by his correspondence to be present at the real battlefield of his own

state, but his duty as senator kept him at Washington. On January 3, 1861, the retiring governor, Nathaniel P. Banks, elected as a Know-nothing, recommended revision, not so much in the hope of compromise as to meet the basic grievance in South Carolina's "counterfeited Declaration of Independence." The newly-elected governor, John A. Andrew, was of a different stripe. Like Sumner, he was representative of the Republican extremists. As an able lawyer he had given liberally of his services to prevent the enslavement of free negroes under the fugitive slave law which seems in a few cases to have taken place, and he had arranged the legal defence of John Brown. His radicalism frightened some Republican orators, and about a thousand Lincoln supporters had preferred his Constitutional Union rival. On January 5 he met the issue: "This whole matter involves no question of comity, or interstate politeness. It is a naked question of right. . . I have searched the position of Massachusetts with all the disinterested patriotism which I could command . . . and I find nothing by which I can reproach her with responsibility. Upon this issue, over the heads of all mere politicians and partizans, in behalf of the Commonwealth of Massachusetts, I appeal directly to the warm hearts and clear heads of the great masses of the people." Both he and others in his position, however, accepted the last election as representative and based their actions on the legislatures already elected rather than on a new referendum vote. To Andrew, Sumner wrote: \* "In God's name stand firm! *Don't cave*, Andrew. God bless you! Save Massachusetts from any 'surrender.' THE LEAST." On February 17 Andrew arranged for an amendment to the personal liberty laws which removed certain obvious illegalities but which left their protective features unimpaired, and as this seemed satisfactory to Sumner it could scarcely have been expected to be so to South Carolina. Rhode Island, the "Isle of Errors and sink of New England," was ever different. The moderating influences were much the same as in Massachusetts but stronger. The relations of "Cotton Whig" manufacturers and cotton grow-

\* A. H. Grimke, *Life of Charles Sumner, The Scholar in Politics* (N. Y. 1892), p. 325.



ers were more pleasant and were made intimate at Newport, whither so many rich planters and statesmen came to pass the summer. Her governor was William Sprague, perhaps the most feudal of textile manufacturers, who had been elected on a fusion ticket. The state had personal liberty laws and also "sojourner" laws to protect the slave property of her welcome visitors. Here moderation won the day ; the former laws were repealed and the latter retained. While aristocracy thus yielded, democracy did not. In New Hampshire the Democratic faction of the aristocracy had always been more powerful than elsewhere and with the support of the hill farmers often controlled the state. Personal liberty laws had been staved off, and on January 29, 1860, permission had been given to commissioners authorized by the United States to issue writs. Nevertheless, on June 26, 1860, a personal liberty law had been passed, indicating that this rocky stronghold of Democracy had yielded to the rising tide of New England sentiment. The legislature was not to meet again until May, and the governor felt no need of a special session to reconsider a decision so recently made.

On the solid boulder that was New England the elements that made up her Republicanism were more predominant than in these coast regions. Maine stood by her laws. Vermont changed them, as Massachusetts did, to render them less open to attack. Connecticut possessed a strong democracy, recruited from rock-bound farmers and keen mechanics who had rendered her name famous for invention and craft. Her ruling caste, however, except when too negligent of popular demands as in 1818, was a large and evenly distributed aristocracy of character and intellect, steeped when young in the powerful alembic of Yale and kept in harmony by her commencements. They were set off by a great economic gulf and lived too near the margin of subsistence to find many occupations *infra dignitatem* ; they were as remarkable for their inventions as for their lawyers, and their migrant sons were doing much of the banking of New York. A moral thrill affected all classes and was here entangled in no mesh of textiles. Here Lincoln received a greater proportion of the vote than in either Massachusetts or Rhode Island. The personal

liberty laws, passed in 1844, 1848, and 1854, were secure ; but the governor found no reason for convening the legislature before its May meeting.

As a result of the balance between the New England and the metropolitan sections, New York had nothing to repeal. Petitions to the legislature asked for sojourner laws favorable to the South, and others that the Republican triumph be celebrated by a genuine personal liberty law ; but no action was taken either way. The influence of New England penetrated westward, less and less inflamed by a moderating aristocracy or a democracy of discontent. Michigan had a strong law, and a bill to repeal it lay long in committee. On March 8, 1861, this bill was indefinitely postponed. The recent battle in Wisconsin on the right of her supreme court to over-rule that of the United States in cases such as the fugitive slave law involving the limits of federal authority gave warning that her law would be maintained. Her new governor, Alexander Randall, in his message of January 10, 1861, said : "Personal liberty laws are found or should be found upon the statutes of every State. They ought to be there. All States have them both North and South, varying in their character and provisions yet still personal liberty laws. . We will abide by, and have never refused to abide by, the compromises of our common Constitution. But, subject to that Constitution, the civil and religious liberty, for which the flesh of martyrs melted and their bones crackled in the flames ; for which the Pilgrims became Pilgrims, and for which our fathers fought, shall travel down to other generations as they came careering on in the midst of the ages, with not one right impaired or one attribute lost." No action was taken.

Meanwhile, south of the New England area other forces were at work. In New Jersey, with her complex elements, Democratic hill farmers in the north united with metropolitan elements just south of their hills, with her sparse New England element, her many Quakers, and the plains farmers of the south. With the balance teetering between Democracy and Republicanism, the moderates were able to tip the legislature to reconciliation. Her personal liberty law was repealed, though her law allowing

privileges to those enforcing the fugitive slave law was maintained. Much more important was Pennsylvania. Here was a moral force in Quakerism as strong as the Puritanism of New England, and with methods quite its own. More than the New Englanders, the Quakers had opposed slavery. They had long since purged themselves by freeing their own slaves, and many of their Southern communities had migrated in mass from slave territory to free. They had been the first to organize against slavery, and their persistent propaganda had seventy years of history behind it. They indulged less in denunciation and resorted to persuasion, which New England neglected. They did not control the government of their own state, where the other elements of a varied population so far outnumbered them; but on moral questions they were powerful. Many of the communities of the Pennsylvania Dutch were Quaker in religion and organization, and through them Quaker views penetrated the great central portion of the state. The Scotch-Irish of the mountains and the West, Presbyterian and in many respects more like New Englander than Quaker, were prone to test all their views by a moral standard, and most of them accepted that which their environment supplied. Pennsylvania, so long sharply divided between parties, nevertheless, possessed many points of unity. It believed as a whole in a protective tariff and it was as determined to maintain freedom in its borders as South Carolina to preserve slavery.

Pennsylvania, therefore, while in many respects conciliatory, was the first to adopt laws to protect her free negro population and had been consistent in adapting them to circumstances. Through her territories ran some of the most important routes of the Underground Railroad. In 1861 her retiring governor, William F. Packer, defended her position. He threw into the teeth of the Southern states their own laws curtailing free speech and forbidding the entrance of free negroes from the North. He recommended that the state's personal liberty laws be amended to avoid the conflict, which he admitted to exist, with the Constitution, but that after such alteration they must be enforced. His successor, Andrew Curtin, repeated the recommendation with less emphasis upon repeal. The legislature dallied with the

matter, and it was allowed to die. In the only vote taken, there was no evidence of sectionalism or of lines of difference based on origin. On both sides names of English, German, and Scottish-Irish origin were divided fairly equally.

In Ohio, a miniature of the United States, the Northern forces of Puritanism and Quakerism converged, and met opposing elements from the South, making Ohio the most significant state of conflict. The Western Reserve, in the northeastern corner, was as purely New England as any of the six states actually in New England, and its population had overflowed its boundaries to the south and west. Since 1848 it had sent Joshua R. Giddings, the radical, to Congress. Around Marietta was a population which had been longer in the state and was almost as pure a stock as in Western Reserve, though it was recruited from a wider area of expanded New England. Between the two was a population blended of all types of Pennsylvanians. Between the Scioto and the Little Miami rivers the Ohio river formed the base of a wedge that extended to the middle of the state, settled by holders of Virginia military land warrants, whose descendants, although deprived of slavery in the first place by poverty and then by the Northwest Ordinance, remained true to Virginian principles as enunciated by Thomas Jefferson, and who now returned Clement L. Vallandigham to Congress. In the northwest was an area settled during the Jackson régime by migrants and immigrants firm for Democracy of that type. For over a hundred years Ohio has been divided in this manner, in spite of the political changes that have taken place. Even when elections have been landslides the old organization is still visible in the distribution of votes. A man who could swim amid the cross currents of Ohio politics was at home when he turned to national affairs; seven presidents and almost that number of defeated candidates have attended her training school.

In 1860 the balance between the elements was fairly close; and it hung largely upon Cincinnati, just outside the Virginia area. Cincinnati was in 1860 the largest, richest, and most cultured city west of the mountains, her most powerful rival being St. Louis, with Louisville a lesser one. Her thoroughly Ameri-

can population was of all elements, including the oldest German group of the West, substantially established in the finer crafts. The tone of society was Southern, and Kentucky was her recreation ground, but a valiant New England group had long fostered every advanced idea that came out of Boston and Rochester. Her function was distinctly amalgamating ; she manufactured for the South, she imported from the East and from Europe for the South, and she was to a lesser degree a distributing point for Southern products. Though it was of course with the upper South that her business was most bulky, her banks and her credit were important from western Virginia to New Orleans, and Southern prosperity was at least as important to her as her own hinterland, with its fat cattle and hogs and corn. Her affections and her conscience were partly divided ; but, for the most part, her interests lay with the Union when war threatened.

Ohio did not have a genuine personal liberty law, but a kidnapping act of 1857 served in lieu thereof, and as the shortest and most frequented routes of the Underground Railroad lay in her borders, she was looked to for action. The governor, William Dennison, recommended that when the obnoxious clauses of the fugitive slave law were repealed, Ohio should revise her act. Senator Salmon P. Chase was of the same opinion which he had expressed at the Peace Conference, that the Republicans should "do nothing in their way until they became responsible, under the recent decision of the people, for the Administration of the Gov<sup>t</sup>." On January 12 the House passed resolutions including the following : "It is incumbent upon any states having enactments on their statute books conflicting with or rendering less efficient the constitution or laws of the United States to repeal them." On January 25 the Senate committee on the judiciary reported that certain sections of the kidnapping act fell in this category. The subject was discussed off and on for a month, but no action was taken nor was any decision reached on a bill making it a crime to assist anyone owing service in another state to escape. The emergency did not move the state to changes.

Indiana, with her much stronger Southern element and a north

of blended stocks meeting in Indianapolis, has always been famous for the closeness of her votes and powerful by the rapidity with which her majorities shift, but she possesses no such fascinating sectionalism as Ohio; rather the whole state resounds with debate. Her retiring governor, A. A. Hammond, considered that the South should have justice. The newly-elected H. S. Lane on January 14 rightly declared that: "Indiana has not now, and never had any such legislation," and he recommended to those states that did, a "voluntary and prompt repeal." In Illinois, projecting so far into the South, between Kentucky and Missouri, the first settlers were from the South and many of them by no means expectant that the Northwest Ordinance would for ever deprive them of slave property. This element working northward up the river valleys had until recently controlled the state. Its doubtful struggle with the incoming New England element that occupied the northern sections and the prairies and with the Germans who settled the lands of the Illinois Central made Douglas and Lincoln closely balanced rivals, and Lincoln so eligible a Republican candidate. The triumph of the Republicans was so recent that it was not yet fully reflected in state legislation. The Illinois code about free negroes represented the Southern point of view, and there were no safeguards for the liberty of negroes. Both the outgoing and the incoming governors recommended the repeal of any unconstitutional laws that the legislature might find, though the incoming governor, Richard Yates, asserted that the South, with her laws directed against the North, could complain with but bad grace. Iowa, like Illinois, had been long dominated by her first Southern settlers, and the triumph of the growing stream from the North was again too recent to have put into the statutes such sectional legislation as a personal liberty law, though some of the most tempestuous trips on the Underground Railroad had been carried out in her territory. Minnesota had in 1858, perhaps in gratitude for her admission under a Democratic administration, opened her jails to federal officials enforcing the fugitive slave law. Her new Republican governor, Alexander Ramsey, in

January 1861, was of the opinion that "The alleged non-execution of the fugitive slave law, and so-called personal liberty bills, seem to be mere pretexts for a course resolved on."

From this review it is evident that the South could make no immediate complaint about New York, Indiana, Illinois, Iowa, or Minnesota, and had cause for gratitude to Rhode Island and New Jersey. The position of Maine, New Hampshire, and Connecticut was unsatisfactory in law ; these states had taken no pains to change their position, and the indications were that they would not. Six states, Massachusetts, Vermont, Pennsylvania, Ohio, Michigan, and Wisconsin, had reconsidered their position and decided adversely. The decision of Massachusetts was most dramatically important, but Pennsylvania's failure to repeal or modify was more significant. It was plain that in spite of the defections of Rhode Island the New England element was holding as firmly to its position of November 1860, as was the Lower South ; and it had the support of the Pennsylvanian element, while the Confederacy was not yet sure of the Upper South. The recent growth of Republicanism in states such as Illinois, Iowa, and Minnesota, based as it was on the flow of New England and Pennsylvania populations and the increasing support of foreign immigrants in the West, made the future more menacing than the present, but with reference to compromise the actual results were sufficient unto themselves. If the seceded states refused to vote, any two states of the North could defeat an amendment of the Constitution ; an amendment accepted by the seceded states might yet be defeated by the votes of nine Northern states. Six had declared themselves, three more had not felt moved to act, and the attitude in at least Indiana, Illinois, Iowa, and Minnesota was that conformity to the existing constitutional guarantees of slavery constituted the limit of their yielding. The North, in its legislatures, had reviewed its stand of November in the light of secession, and it still stood by its decision for no compromise.

The repeal of the personal liberty laws, invoking as it did the law of the Constitution against the "higher law" of conscience, was the smallest sacrifice the North could make, and it was prob-

ably the most vital of the compromise proposals. Had it been granted, had the South seen evidence that the North would put the obligations of the law over those of conscience, she might well have proved herself considerate in other things. For compromise a spirit was necessary as well as a bargain. It was this that had always given Clay his strength, for he was able to impart an enthusiasm and a sense of sacrifice for harmony to his compromises. The reply of the North on the personal liberty laws was taken by the South, and rightly so, as an indication that there was no change of spirit. John Randolph's northern "dough-faces" of 1820 could no longer control the situation. The North was as firm in refusing to tarnish her conception of right as the South to risk her rights. By March 4 compromise was dead.

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## CHAPTER IV

### PEACE OR WAR

ON MARCH 4, 1861, Abraham Lincoln was inaugurated at Washington. Protection was afforded by the usual force of marines at the navy yard and by 653 additional troops ordered there by President Buchanan. In addition, numbers of Republican office-seekers had organized a president's guard. The retiring president, as usual, escorted his successor to the capitol, and Senator Douglas held Lincoln's hat during the delivery of the address.

Lincoln had just passed his fifty-second birthday and was in full physical vigor. Matured in mind and character, he still possessed the capacity to grow. His physique was of a type purely American, developed in the mountainous frontier, tall and lanky, with inadequate chest. In many ways he belonged to another type as old as our civilization. He was the village sage. America in 1860 was essentially rural, and in tens of thousands of communities informal groups of men met in crossroads stores, in saloons and hotel bars, for association and debate. Thousands of natural leaders gave unity to such associations by wit and wisdom and the qualities of leadership. The more important emerged into legislatures, there to wrestle with each other until a few stood out. It was from such a school that Lincoln had now graduated, to be at least titular leader among the prophets of a free democracy.

Though belonging to types by no means unusual he possessed marked elements of distinctiveness ; his looks, his trick of phrasing, his gestures, and his thoughts were always a bit different and were remembered. He had been known to the American people for only about two years. They knew his features, which they regarded as homely and good-natured. They knew him also as a humorist. This humor was two-fold. He had a capacity for telling stories or making unexpected comparisons which hit off some situation or problem in terms of both laughter and conviction. The material he used was that of the common daily life

of mankind, and sometimes it offended the sensibilities of the Victorian age ; but at their worst his stories were coarse rather than ribald, and they were told more for effect than for themselves. A deeper humor came from the alignment of Lincoln against the world, which, if he did not emphasize, he did not conceal. His figure was not rendered less striking by his extremely tall hat and the long cloak or shawl he so frequently wore. They undoubtedly added to the humor of his appearance to which he was always the first to call attention, but they were not unconventional garments and did not prevent a transition into impressiveness. He never wore a low-crowned broad-brimmed hat, for such a hat would have rendered him comic. Innately or by design there was always an essential congruity about him. He did not tell obscene stories to Charles Sumner ; whether used consciously or instinctively, his humor was one of his most valuable assets. It secured him his hearing without closing minds against him ; the cultured Mrs. Chesnut noted in her diary that, given time, he would laugh South Carolina out of secession.

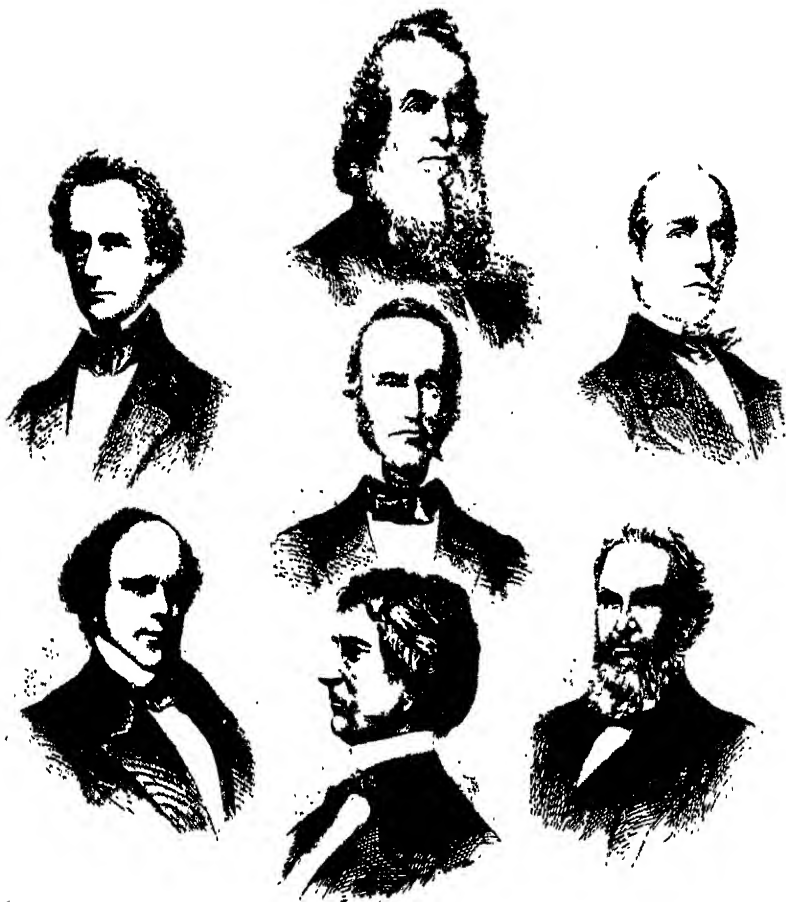
The development of his mind, at least, had not been left to chance. His strongest mental traits were a profound sense of reality and a power of concentration which put him at times into a condition almost trance-like. From his youth, with unremitting effort, these powers had been bent to securing clear thought and clear expression. He had but recently studied geometry to discipline his mind, and his inaugural address was submitted to a local school-teacher for verbal criticism. He never made a public statement without preparation or published one without proof-reading. Because his qualities were high, this process led to profundity on the few subjects to which he could apply such processes. On these he spoke with the conviction and emphasis of a prophet. It remained to be proved how he would handle those many subjects on which an executive must speak and act before he has the time to probe their depth ; for up to this moment he had exercised no executive authority.

The subjects to which he gave his attention had been determined by his ambition from early manhood to be a leader of men.

Political life was high in the society he had frequented, and his pleasure was in associations and contests with men. He was not goaded by dissatisfaction ; but his mind was evolutionary, and with reverence he regarded the political institutions of the United States as instruments of continual progress. He undoubtedly hoped as president not to create a revolution, but to help mankind toward those ends which he thought were beneficial and to escape conditions that were detrimental. In general he had always stood for an active government and for the policies of Hamilton, and in particular, for those of Henry Clay.

The spirit in which he would handle his office was better known to his neighbors than to the rest of the country, and best known to himself. He regarded patience as his greatest quality, and in it he had had good schooling. He was devoid of passion, lacking temper either as a weapon or a curse. He did not hate. He was no fanatic, forgetting that method may be as important as principle, but he could be drastic on matters of conviction. His attitude toward himself was as realistic as that toward others, and neither personality nor interests ever intervened between his policies and their accomplishment.

The first taste the country had of his abilities was in the formation of his cabinet. It was his own structure. In the nomination campaign one of his managers, acting contrary to instructions, had made a pledge ; Lincoln accepted the obligation, but it is probable that he would have made the same appointment under any circumstances. In the first place, he recognized the voice of the people in selecting all his chief rivals for the Republican nomination for the presidency. Seward became secretary of state ; Chase of the treasury ; Simon Cameron of Pennsylvania, of war ; while Edward Bates of Missouri was chosen attorney-general. For the navy he chose Gideon Welles of Connecticut, an editor, formerly a Democrat ; for the interior, Caleb B. Smith of Indiana ; and for postmaster-general, Francis P. Blair's son, Montgomery, of Maryland. With Lincoln included, four members had been Whigs and four had been Democrats. Two members were from slave states. All factions and the chief leaders of the party were about the council table. There was the



#### MEMBERS OF LINCOLN'S CABINET

*Top:* Gideon Welles, Postmaster-General. *Second Row:* Simon Cameron, Minister of War; Montgomery Blair, Minister of Marine; Caleb B. Smith, Minister of Home Affairs. *Bottom Row:* S. P. Chace, Minister of Finance; W. H. Seward, Prime Minister; Edward Bales, Minister of Justice.

The titles used for each member are those used by *The Illustrated Times* (London). An error is made in the designation of Gideon Welles and Montgomery Blair, who were Secretary of the Navy and Postmaster-General, respectively.



opportunity for unity of action ; there was the chance for quarrel and disruption. It was evident that Lincoln possessed the requisite knowledge of the intricacies of national politics. It was plain, too, that he faced with confidence the handling of men. Whatever the disadvantages of his upbringing, they had their compensation in that intensive knowledge of human nature which frontier equality of condition, with so many conventions swept away, affords. The mixed stock of some strong, some decadent, and some commonplace strains among which he had lived had given him contestants of every stripe, and he was as devoid of fear of man as a Quaker.

After the inauguration and the appointing of the cabinet came fog. No special session of Congress was called, though the Senate remained to confirm appointments. The new administration took no more active measures than the old. Lincoln visibly spent his days listening to the rival appeals of office-seekers, and conducting one of the greatest divisions of spoils among the victors, which had ever taken place. The Republicans were confronted by a civil service more completely hostile than any party which had so far come to power. It was not only politically hostile but, owing to Buchanan's tendency in appointment, preponderantly Southern in its sympathies. Washington, a Southern city, shuddered at the invasion of the Northerners and parvenus and was suspected of resistance. None of these conditions, however, deterred the Republicans in seeking offices or Lincoln in giving them ; it was simply the way things were done, and the only voices of protest were those of the disappointed and the deprived and a few who thought time should be spent otherwise.

The sweep was carried so far and fast that public business was deranged, and the old Union lost much of the prestige of order to the new Confederacy. The virus of disorder penetrated to the cabinet, where no one seemed chief, where departmental limits were forgotten and each went his way unrebuked. For half a month there were no regular cabinet meetings, but there were many called interviews with those especially interested in the matter at hand, plus Seward, who considered himself, and was

widely regarded, as the leading figure of the party, only accidentally not president. Chase was determined that Seward should not rule and was not too busy in needed studies of finance to concern himself chiefly with matters of general policy and to offer suggestions to other departmental heads. The confusion was so obvious that on April 1 Seward addressed to Lincoln a memorandum, "Thoughts," for the president's consideration, suggesting policies and offering to assume what amounted to a premiership under a nominal head. Such uncertainty was inevitable in the first meeting of so many strong men. Some presidents would have used the whip, as did Polk in 1845, but such action was contrary to Lincoln's nature, and might in 1861 have led to resignations. Lincoln, confident in his strength, bided his time. After April 1, Seward was transformed from a factional leader to the most perfect of lieutenants, and none of the cabinet resigned of his own free will. The game as Lincoln played it was worth the candle, should the house not burn down during the vigil.

The primary reason, however, why time was taken was that there was time to take. Lincoln, on becoming president, found a new issue other than those upon which he had been elected and on which there was no public mandate. When he said "No" to compromise he executed a trust. Now the question was how should the North regard the separated South. On that question the people had not spoken; there could be no six years of debate for the presentation of the subject. There was no apparatus for a referendum, and should one be taken it would represent but the hasty and ill-informed voice of the people. It was a time for leadership, and by his position Lincoln was responsible for the formulation of a decision and the winning of the people to peace or war as he should judge best — not that the commonwealth should receive no injury, but that it should receive as little as possible. Compromise was dead, but peaceful separation was still a matter of choice.

The choice lay with the North. The Confederacy would not begin a war. The only act of offence which had so far been taken by the seceding governments was the firing on the *Star of*

*the West.* Since no actual injury had been inflicted, the episode was one which in diplomatic usage could be atoned for by a salute to the flag. This, moreover, was the act of the state of South Carolina before the Confederacy took over external relationships. The seizure of the United States forts and other property by various states was indeed regarded by the people of the North as acts of offence, but this was a matter of constitutional interpretation. By the Southern theory the states were wholly sovereign and possessed the right of expropriation. They had expressed their willingness to pay their adjusted share of the cost of such property. The seizure was not with intent to war. Indeed, the Confederacy had no cause for war unless subsequent negotiations should prove unsatisfactory, and it had particular reasons for peace, not only in that the majority of the population preferred it, but because hostilities must bring the first clashes with those more northern slave states which it was hoped to bring into the organization. On March 5 its commissioners of peace arrived in Washington.

The fact that the North, after hesitation, made its naked decision for war instead of for peaceful negotiations was disguised by the fact that the discussion revolved about the Constitution. It left few traces, because the war proved more popular, and men forgot that they had hesitated. Historians have for the most part conformed to their material. The present generation cannot, however, fail to arraign its grandfathers for a defence of a choice against which so many moral and economic forces would today inevitably be opposed. One must be careful not to read one generation's actions in the light of another generation, but changing attitudes properly cause the present generation to interpret differently the different phases of past situations. War in 1860 was indeed not so horrible as in 1914-18, and the feeling against it was less keen and was confined to a much narrower circle. The Quakers had always been opposed to it, and a well-organized Peace Society was urging the arguments for its cessation. The propaganda of either, however, had not touched the conscience of New England, and war was still generally regarded as an instrument rather than an iniquity, as a method to be employed



only in an extreme emergency, but not without its trappings of glory and virtue. The thought of war did not shock ; it deterred some and undoubtedly kindled others.

Hesitation can be caught only in documents absolutely contemporaneous ; no man's memory or honesty may be trusted a week, hardly a day, after Fort Sumter had been fired upon. Even so, in reading public utterances one must not forget that it was not accident but national character which made poker the great American game. Bluff was an element in politics and never more so than in this supreme crisis. North and South mutually believed the other bluffing, and even peaceful men were prepared to bet on their hands to the point of actual armed conflict, confident that the other side would then yield rather than fight to an extremity. Others, too, would fight for the Union but believed that time, with peace, would recall the recalcitrant, and so tuned their voices. Yet the evidence abundantly justifies the prediction of George Ticknor in his letter of November 17, 1861, to Sir Charles Lyell : "One thing, however, is certain. There will be more profitable, concentrated thinking upon political subjects done in the United States during the next six months, than has been done during the last ten years." The question of what should be done if states seceded and compromise failed began to engage the attention in December 1860, but it gained in emphasis as the three succeeding months waxed and waned.

The centre of this debate was in New York and its metropolitan district, the only large area of the North where Lincoln had not won a majority. In favor of peaceful separation were the two rivals — the *Herald* and the *Tribune*. On that issue Greeley wrote as late as February 2, 1861 : "While it must awaken feelings of regret and mortification in all patriotic hearts, the consolation will yet remain that, so far as man can discover, no great interest of humanity will suffer by it." The *Herald* on April 9, 1861, stated : "Far better that the Union should be dismembered forever than that fraternal hands should be turned against one another to disfigure the land by slaughter and carnage." With them the *Journal of Commerce* and the *Observer*

combined to stay the curse of war. Steadily against them were the *Times* and the *World*, but particularly William Cullen Bryant, veteran editor of the *Evening Post*. Leading citizens such as General Dix, Abram S. Hewitt, Hamilton Fish, and James W. Gerard, favored peace, while Charles Spencer of Alabama, in a letter to the *Charleston Mercury*, reported that the majority of those he met in New York were for peaceful dissolution. James G. Thayer, before a Democratic convention at Albany during the first week of February, asked for a New York convention to decide on terms of separation. John W. Edwards on February 22, at a celebration arranged by the Republican central committee in the city, expressed the opinion that the country had been too large and that separation might be an advantage. Fernando Wood, mayor of New York and boss of one of its partizan Democratic groups, in a message of January 6 to the Council, looked with complacency to the "dissolution of the Confederacy [Union]" as affording an opportunity for the city to break away from the state.

In New England discussion raged and individual thought wavered from Maine to Connecticut. Liberals, both in and out of the Republican party, followed Garrison's lead in the *Liberator* in rejoicing at the cleansing of the Union from the contamination of slavery and hoped that "all fifteen slave states would depart in peace." Oliver Wendell Holmes wrote: "There is no end to the shades of opinion. Nobody knows where he stands but Wendell Phillips and his out-and-outers." Of course Phillips stood for peace; with Emerson, Whittier, S. G. Howe, James Freeman Clarke, and their coterie deluging Sumner with their views. Intellectuals such as Amasa Walker were of the same opinion, and they were now joined by the most virulent Democrats such as Caleb Cushing. Edward Everett attempted to lead the Whig aristocracy in the same direction, but they seem to have been less united than they had been for compromise. Young Charles Francis Adams wrote on November 8, "Let the experiment [secession] be tried." On December 22, 1860, William Pitt Fessenden, Republican and United States senator from Maine, wrote his law partner: "I am ready to part company with

the slave states and trust God and the people for reconstruction on narrower ground, but on a sounder and firmer basis." The sense of relief, so akin to that in South Carolina, swept westward with the New England stock. From western New York Gerritt Smith said on February 6, before the judiciary committee of the New York legislature: "Our States cannot be held together by force, and should not if they could." In Ohio the veteran member of Congress from Cleveland, Joshua Giddings, expressed himself warmly in favor of a purely free republic, a plan which he insisted should be adopted by the North regardless of all other considerations. Young Rutherford B. Hayes wrote his uncle on January 12: "I am not in favor of a war policy with a view to conquest of any of the Slave States; except such as are needed to give us a good boundary." The Democrat Clement L. Vallandigham wrote on November 28, 1860: "I never would as a Representative in the Congress of the United States vote one dollar of money whereby one drop of American blood should be shed in civil war." The Cincinnati papers were divided, and Salmon P. Chase was reported as leaning toward his liberal associates.

Pennsylvania Quakers naturally inclined in the same direction and had the powerful aid of the *Inquirer*. The thought of peace, however, did not extend far from Philadelphia, and the legislature sought words to express its insistence upon union. Nor did the passive element of the New England opinion extend beyond Ohio. In Michigan, Wisconsin, and Minnesota, in Illinois, Iowa, and the territory of Kansas, there was little discussion, and war was thought the sole answer after compromise failed. Yet in Washington, Douglas, the hero of almost half of Illinois, in a series of speeches running from March 6 to March 15, was endeavoring to interpret Lincoln's inaugural address as a peace document and declared there were but three lines of policy open — compromise, which was the best; peaceful separation; and war, which was the worst. "I expect to stand by my country under all circumstances; and hence I will save her, if I can, from being plunged into a Civil War." On the west coast, however,

thought was given a new angle. Joseph Lane, senator from Oregon, wrote on November 20, 1860 : "The Union was not formed by force, nor can it be maintained by force," and on March 4, 1861 : "I will urge the Democracy of Oregon to adopt the Constitution of the Confederate States as their platform." On March 3, 1861, the Breckinridge state central committee of California, in a call for a meeting, said : "Let us have Union if we can, peaceful dissolution if we must, but conflict never" ; and put forth Senator Gwin's query asking, should the Union dissolve or a civil war ensue, should not a Pacific nation take its independent stand. The strength of this peace movement was not brought to the test of a vote. The actions of legislatures show that most political leaders did not think it dominant.

Yet in every community and class, argument for peace was countered by argument for war. Except in New York and New Jersey the proponents of war seemed the most numerous, and reports indicated that the proportion grew as the weeks passed. Most of the orthodox clergy urged war ; all reports of workingmen's opinions aligned them on the side of action ; naturalized citizens were said to be generally on the same side and, most important, it was conceded that the interior, the rural regions with their village sages, stood for force. It is with the motives of those who took this stand that one is deeply concerned.

The bulk of material is enormous, but it cannot be weighed by bulk. Times set fashions in debate as in clothes, and the historian must estimate to what degree these represent difference of condition and mental attitude and how far they are mere whims and conventions. The contrast in public debate between the whole period of the Civil War and Reconstruction and the present day is so great that one would think another race were speaking ; and yet human nature changes slowly, and sixty years is but a brief span. Almost invariably in the speeches of that period the greater space and the most conspicuous position were devoted to expositions of the Constitution. Following this in emphasis was insistence on the "higher law" of right and wrong. Statistics were few and appealed to expediency and self-interest

in general. Did this indicate a higher moral plane? Was it hypocrisy? Was it due to a different synthesis of ideas by which the ideal was more closely related to the materially real?

Alexander Stephens, in his Savannah speech, stated that he had met in Congress only two Northerners, Webster and Douglas, who took the Constitution seriously. This was plainly an unfair statement. One finds, indeed, few men, either in the North or South, who were deterred from satisfying their desires because of prohibitions contained in the Constitution, which, in a general way, had become the symbol of progress. To most people it came to be regarded as the chief cause of American prosperity. In defending the Constitution men were protecting all the elements of a life which satisfied them and made them happy, and which gave promise of progress for their children's children. Undoubtedly in 1861 many were ready to die to defend the Constitution; in their defence there was more religious fervor than had ever before attached to a purely political document. Almost universally in the North it was believed that the Constitution was intended to be perpetual, and so it was identified with the continuance of the Union. These two ideas, while few distinguished between them, are distinguishable. Some held the Constitution, some the Union, the higher, and in consequence leaned in different directions.

For those who most highly regarded the Constitution the sense of responsibility for war was veiled. Secession was in itself aggression, and the lovers of the Constitution must turn the other cheek or fight. Still more was the state seizure of forts and other property an act of war, and the refusal to obey the laws was the equivalent of armed rebellion. Such thinkers, however, were not yielding purely to a legal brief; obedience to the Constitution was also a desperately practical consideration in which were bound the whole order of their lives and being. They had been brought up on Webster's argument on the impracticability of nullification and secession. If one state could legally leave the Union, why not another? If there were two confederacies of states bound merely voluntarily, would not each be for ever bidding against the other for the attachment of the vacillating?

Or would there be merely two? Men in New Jersey were thinking of joining the South, the Pacific was thinking of independence and so was New York City. Let the idea once be established, and the very foundations of law would be loosed, and the triumphant structures of American civilization, the hope of the world, would crumble.

To preserve the Constitution some would even sacrifice the Union. They urged that a constitutional amendment be passed especially allowing the departed states to sever their connection. Thus at least the precedent would be established that none could leave without the assent of the rest, and the Constitution would not be robbed of its authority. The evidence indicates that the Constitution and the political system it embodied were the most powerful motives urging toward war.

Others looked at the Constitution as fundamentally the instrument of a unity which was itself the supreme object. Many of these had been ready to compromise to save both Constitution and unity. Now they became the most ardent of the war advocates. Unquestionably the Union was more materially advantageous to the North than to the South. While the South might well have profited by free trade, schism must cause immediate loss to the free states and hamper their growth. All parts of the North emphasized what the passing of the Mississippi waterway would mean to the Northwest, which was almost hysterical on the subject. It was but forty-five years since the full possession of the Mississippi had passed definitely into the hands of the United States. Memories of the riches of its great fields bottled up by Spain or threatened by Great Britain were still lively. Such memories had not passed forty-five years after the Civil War, when interest in Cuba and Panama was intensified by the argument that they were but the portals to the Mississippi. When the mayor of New York threatened the secession of that city, the Northwest found itself confronted with political isolation, economically dependent upon the whims of others. Union and the Constitution were the breath of its life, and it was as sensitive to movements of dissolution as is Poland today to the conditions surrounding her corridor. Under such stimulus more

than one began to see the world in terms of geographical unities and to respond to Lincoln's statement that "physically we are one."

Much less was said of the economic dependence of the East, though much was said of the economic dependence of the South, overlooking the fact that she might shift her patronage. But whither could New England shift the sale of her textiles now sold to the South under the protection of a tariff and of a monopolized coast trade? Connecticut novelties perhaps needed no protection, but Pennsylvania could not compete in a foreign market with the cheaper and sometimes better products of England. There was good reason for workmen to support the Union, and while this argument was less emphasized than that of the Mississippi, it was actually more vital and cannot have escaped the active minds of those concerned. Nor had New York merchants sound cause for confidence that they would not suffer in pocket and prestige when Southern orators were offering New Orleans and Baltimore her place in Southern economy and finance. They were still for peace, they were for compromise, they would sacrifice almost all for Southern good will, but one may doubt their ultimate willingness to see their customers divided.

It was not practicality alone which brought its legions to uphold the Constitution. This was a generation very conscious of abstract ideas and strongly moved by them. Ideas did not clash with law, and economics but blended with them in many minds. One ideal of the day was that of national unity, represented by the liberal movements in Italy and Germany. Italian art was in the ascendant, the German Santa Claus was everywhere triumphing over Saint Nicholas and driving out the roast beef of Old England. Garibaldi and Carl Schurz were heroes to thousands of native-born; and the German thinkers, having left the multi-monarched homeland, had strong convictions against state rights. Precisely those elements which in 1819 saw virtue in the self-determination of small states, in 1860 gave their sympathy to aspirations for large ones.

It was, of course, another phase of idealism that was now to prove its power; that centred in the movement against slavery.

Many of the leading Abolitionists were now exultant because the withdrawal of South Carolina left them uncontaminated, and they hoped that all her tarnished sister states would follow ; yet satisfaction in personal sainthood was not a characteristic New England trait. No sooner, in fact, had those aroused by Garrison's trumpet in the 'thirties become numerous than they had divided, and though the few refused to soil their souls by recognizing a Constitution which sanctioned slavery, the greater number entered politics and followed American tradition of reform by the ballot. As the inspiration spread more widely among the New England stock, action became increasingly the cry. The great majority of those who in 1860 recognized slavery as a curse were not content to cross their fingers to avert the evil eye. They gave the driving force to the Republican party, and they did not intend that it should stand upon the defence. They would not compromise, and in war they saw the hand of God making national the intent of John Brown's raid. An old man once told me that when he enlisted his father said to him : "Shoot once for the Union and twice against slavery." A crusade was in progress ; the South, by seceding, had assumed the role of the infidel. War would release the Republican party from the trammels of its moderation and would put a sword into the hands of the righteous. There could be no doubt that slavery would perish in the strife, and no price was too great to pay. It was in this spirit that John A. Andrew began his term of office by setting the military resources of Massachusetts in better order than those of any other state. Pure, keen, and valiant, he should have led them to the field, a cross upon his shoulder, the light of a holy contest in his eye. Those crusaders were a minority of the population, but before them was an opportunity which only cowards would shirk.

A sense of fate came to aid legality, practicality, and purpose. Gustave Koerner wrote to Lyman Trumbull, January 21, 1861 : "A collision is inevitable. Why ought not we test our government instead of leaving it to our children ?" Such men realized that many of the questions between the North and the South, as territories and fugitive slaves, would remain in spite of separation,



and that new questions, such as foreign affairs and the tariffs, would arise. Few seemed to sense the difference that the division of American strength would make in relation to Europe, but they were fully aware that the "irrepressible conflict" between North and South was not one of items but of cultures. The Philadelphia *Inquirer* on March 21 and 22 proposed the arrangement of a truce, providing that the question of secession be submitted to the people of the South. The New York *Times* on April 9 remarked, "If the two sections can no longer live together, they can no longer live apart in quiet till it is determined which is master. No two civilizations ever did, or can come into contact as the North and the South threaten to do, without a trial of strength, in which the weaker goes to the wall. . . We can henceforth have no permanent quiet till it is decided which is to triumph. . . We must remain master of the occasion and the dominant Power on this continent."

This discussion of peace or war cut across political parties, and completely broke the alignment on compromise. The radical wing of the Republicans, and the independents beyond them, who had most strongly opposed compromise, were most willing to let the erring sisters depart in peace. Many Democratic papers and organizations still clamored for peace as a means of ultimate compromise, but it was they who had been willing to surrender most to keep the Union and who would most regret its passing. Particularly was this true of the Breckinridge Democrats, who included some friends of the South, but who for the most part had been intent on keeping the South in the Union. Many of the Constitutional Unionists were genuine moderates; some philosophically accepted the fact of two civilizations, but they had been bred in the school of Webster, and should moderation fail to preserve unity were likely to turn to force.

In this welter of controversy Lincoln had a triple duty of leadership. He must make up his own mind, he must unite the North, and he must divide the South. He could not fight a war should all those who voted against him in November 1860 be in opposition and his own party remain divided. He could not fight it advantageously should the eight slave states that remained

loyal to the old Union join the Confederacy. For him it was first a problem of policy and then no less a problem of politics.

It seems reasonably certain that he came to Washington determined so far as it rested on himself to maintain the Union by force if necessary, and without compromise. In his inaugural address he stated : "I therefore consider that in view of the Constitution and the laws the Union is unbroken, and to the extent of my ability I shall take care . . . that the laws of the Union be faithfully executed in all the States. Doing this I deem to be only a simple duty on my part, and I shall perform it so far as practicable unless my rightful masters, the American people, shall withhold the requisite means or in some authoritative manner direct the contrary." There can be no doubt, however, that with a biting consciousness of the bitter seriousness of this decision he was throughout March in turmoil of soul, restlessly pacing the White House corridors at night after the jesting and the petty business of the day were done.

In coming to his decision Lincoln was doubtless strongly influenced by his views of the permanence of the Constitution. He was strongly a constitutionalist. The Constitution represented to him the American ideal as well as the law, and he deeply felt his position as its guardian. Not without its separate force was the oath he had taken to "preserve, protect, and defend it." With his scientific mind he was deeply impressed with the geographical oneness of the country ; "physically speaking, we cannot separate. We cannot remove our respective sections from each other nor build an impassable wall between them. A husband and wife may be divorced and go out of the presence and beyond the reach of each other, but different parts of our country cannot do this. . . Suppose you go to war, you cannot fight always ; and when, after much loss on both sides and no gain on either, you cease fighting, the identical old questions, as to terms of intercourse, are again upon you." He felt, too, the essential Americanism of the people of all sections : "This country, with its institutions, belongs to the people who inhabit it."

From his first utterances there is evident a broader vein of idealism, which sustained him throughout the war. In his inaugural

address he stated : "A majority held in restraint by constitutional checks and limitations . . . is the only true sovereign of a free people. Whoever rejects it does of necessity fly to anarchy or to despotism." He believed anarchy would not be tolerated by circumstances ; he feared tyranny. On May 2, in an informal talk with his young secretary, John Hay, he said : "For my own part I consider the central idea prevailing in this struggle is the necessity that is upon us of proving that popular government is not an absurdity. We must settle this question now whether in a free government the minority have the right to break up the government whenever they choose. If we fail, it will go far to prove the incapacity of the people to govern themselves. There may be one consideration used in stay of such final judgment, but it is not for us to use in advance : That is, there exists in our case an instance of a vast and far reaching disturbing element, which the history of no other free nation will probably ever present. That, however, is not for us to say at present. Taking the government as we found it, we will see if the majority can preserve it." On July 4, 1861, he said to Congress : "And this issue embraces more than the fate of these United States. It presents to the whole family of man the question whether . . . a government of the people by the same people — can or cannot maintain its territorial integrity against its own domestic foes." In his Gettysburg Address he set forth : "Four score and seven years ago our fathers brought forth a new nation, conceived in liberty and dedicated to the proposition that all men are created equal. We are now engaged in a war testing whether that nation or any other nation so conceived and so dedicated can long endure." As Winthrop, as Henry Clay, as so many who worked in the founding of the nation, he regarded the United States as an experiment, a testing ground, for the benefit of humanity at large ; and he regarded himself, at the moment, as a trustee for ideals that were not merely national, but universal. Democracy, the chief of those ideals, was in 1860 struggling in some countries for existence, and in some for triumph. He believed that we could not give up without a struggle that for which so many in the past had died and which we had inspired others to emulate.

With his determination made in accordance with his own conscience — perhaps before that conscience was wholly satisfied — Lincoln was faced by the maze of politics, through which must be found a path to the realization of his ideals. His most important objective was the unity of the North ; his second was to win as many as possible of the hesitant border states ; he was not without a lurking hope that the seceded South might repent in time ; but he could do little unless he could bring his cabinet to his views without division. For all his purposes it was of supreme significance that he should not be the first to give offence. In securing his objectives his responsible antagonist was Jefferson Davis, whose aims were similar but differently weighted. Of chief value to Davis was the adherence of the unseceded slave states, next to obtain the sympathy of the Democratic party at the North ; to him, as to Lincoln, the hope of peace was small, and he was equally aware of the necessity of not striking the first blow. It was a duel in which the antagonist sought to hold his position but to keep his rapier in the air.

Lincoln's was of necessity the first thrust, for in his inaugural address he had to declare himself. He did so with precision, taking exactly that minimum of firmness which would command the widest support.

I shall take care . . . that the laws of the Union be faithfully executed in all the States. . . In doing this there needs to be no bloodshed or violence, and there shall be none unless it be forced upon the national authority. The power confided to me will be used to hold, occupy, and possess the property and places belonging to the Government and to collect the duties and imposts ; but beyond what may be necessary for these objects, there will be no invasion. . . where hostility to the United States in any interior locality shall be so great and universal as to prevent competent resident citizens from holding the Federal offices, there will be no attempt to force obnoxious strangers among the people for that object. . . The mails, unless repelled, will continue to be furnished in all parts of the Union.

This was not a peace document, as Douglas endeavored to interpret it ; but desire colored its reading and many took it as such.

It avoided the ominous word "coercion," which in the literature of the time corresponded to "mobilization" at the beginning of the World War. The Confederacy considered that the aim mentioned did imply coercion. All awaited an overt act.

Davis's counter-thrust was the dispatch of his peace commissioners, two of whom reached Washington on March 5. Their purpose was to secure to the Confederacy the delivery of national property within its territory as preliminary to negotiations. This again was not regarded in the South as an unfriendly demand but as an inevitable consequence of secession, while the North considered it a hostile claim only, not an act. Thus thrust and parry ended in a feint.

There followed weeks of inaction which neither Lincoln nor Davis regretted. Lincoln, confident that the people would in the end see things as he saw them, realized that they needed more time to come to this decision. From a point of view wholly military it would seem these weeks might have been spent in strengthening the national hold at points which were certain to be soon contested, such as the Norfolk Navy Yard and the arsenals at Harper's Ferry and St. Louis. The political situation, however, paralysed the organs of administration. Military force was the sensitive point in the question of coercion. Not merely the sending of troops into an area still loyal, such as Virginia, would have been proclaimed the first act of war, but their mere shifting, the increase of armament, even the introduction of a bag of flour into Fort Sumter, would have been taken as the symbol of thundering power directed against people still peaceful. And yet the span of waiting was not unlimited. On the day after the inauguration Lincoln and his cabinet were informed by General Scott that in about six weeks Fort Sumter must be abandoned unless furnished with provisions. Once more the spotlight was swung on Charleston, and the question of Fort Sumter became the pivot of policy.

The actions and reactions of all those responsible during these weeks have been closely examined, but historians still disagree. Charles Francis Adams saw only Seward guiding the crude product of the prairies. Nicolay and Hay in their monumental

work, *Abraham Lincoln*, saw their hero always first. Rhodes supports Lincoln but is gentler than the facts in treating Seward. The plain truth seems to be that Seward, the admirable and lovable, during these weeks ran amuck with confidence, energy, and optimism. His confidence was due to his belief, shared by so many others, that he would rule the new administration; his energy exerted itself in planning the whole scheme of government, and he used his access to Lincoln to put through his plans without thought of informing those department heads who were concerned. His optimism glowed from his solution for the whole national problem — the rally of American pride and patriotism by the call of a foreign war, the causes of which he would easily find. On the very day on which he presented to Lincoln his memorandum, "Thoughts for the President's consideration," he took advantage of Lincoln's abstraction and careless confidence in him to secure his signature to documents giving orders for the first steps toward that foreign war which was to spell domestic peace.

Naturally Seward wished no encounter over Fort Sumter and strove for time in the cabinet and in his dealings with the Confederate Commissioners. His opinion was in part supported by that of Chase, who after a hasty glance at the financial situation was dallying with the idea of peaceful separation; and by General Scott, who reported that the fort could not be relieved by the navy unless accompanied by twenty thousand soldiers, who were unattainable in the time given. Even Welles yielded to his naval expert, and on March-15 the cabinet voted 5 to 2 that an attempt at relief would not be politically wise. Chase, who was one of the two, was in doubt, and only Montgomery Blair was firm for action. Lincoln held his decision in abeyance, but Seward's triumph seemed complete, and Blair wrote out his resignation.

Meanwhile the administration was handling the Confederate Commissioners with more discretion than had Buchanan, but without escaping similar misunderstandings. Lincoln refused to see them even informally, and Seward resisted the mediation of Senator Hunter of Virginia and the friendly Russian minister,

Baron Stoeckl. A channel of communication, however, was necessary ; and Justice Nelson of the United States Supreme Court and Justice Campbell, still of the same body, though about to resign and return to his home in Alabama, conferred with each other and with the commissioners, and finally, with Seward on March 15, urging him to reply to a communication from the commissioners giving them assurance of peace and forbearance. In reporting the interview, Campbell, who was the most reliable witness, stated that Seward rose in his excitement and said : "I wish I could do it. No, there is not a member of the cabinet who would consent to it. . . The evacuation of Sumter is as much as the administration can bear." The cat was out of the bag ; Fort Sumter was more than they had hoped for, and Campbell straightway passed on his assurance to the commissioners, but without mentioning Seward. On March 21 Campbell drew up a memorandum which he showed Seward and then presented to the commissioners : "As a result of my interviewing of today I have to say that I have still unabated confidence that Fort Sumter will be evacuated." The skirt of the secretary of state was undefiled, but William H. Seward was committed to do that which it did not appertain to him to do.

That the views of Montgomery Blair and Lincoln often coincided may easily be observed throughout the administration. It may be said without derogation to a worthy and able man that one would not select Montgomery Blair as a member of the cabinet likely to be most powerful with the president. Montgomery was the son of the soft-footed old Francis P. Blair, the most seasoned figure in Washington life, astute and subtle, whose suburban residence, Silver Spring, was the refuge of convalescing statesmen, and who knew the Democratic party as a mother knows her child. It was as intermediary between Lincoln, who could already gauge the Republican psychology, and his father, the sage of Democracy, that Montgomery owed his special importance. It is not necessary to surmise, as did Welles, that Blair converted Lincoln, but he brought him conviction as to the reactions of the Democrats who must bear their share in the coming war. One may surmise that both realized it was not the actual

relief of Fort Sumter that was in question. Fort Sumter would have been a liability in war. The question was, should it be abandoned without a blow? It seems that from this time Lincoln pursued his own way while leaving Seward unmolested.

That way was indeed halting and curious. It began by Lincoln's obtaining his own facts about the situation at Fort Sumter. Without hindrance, by the ordinary means of communication, three agents were sent to South Carolina : Hurlburt, an Illinois friend of Lincoln and a former student of Judge Petigru, was sent to probe for Union sentiment ; Gustavus V. Fox, brother-in-law of Montgomery Blair, and a retired naval officer soon to become a leading figure in the war, went to confer with Anderson ; and Lincoln's former law partner, Ward H. Lamon, went to interview the governor. Hurlburt reported that there was no Union sentiment ; Fox assured the president that Fort Sumter could be relieved ; Lamon, who had no authorization save to collect information, informed Governor Pickens that the evacuation of Fort Sumter would soon be ordered.

On March 28 the president gave his first official dinner, and at its conclusion told the cabinet that General Scott had just informed him that not only should Fort Sumter be abandoned, but also Fort Pickens, at Pensacola, Florida, before which Secretary Welles had already assembled most of the home squadron and which as a station to the Gulf of Mexico was more important than Fort Sumter from every point of view except politics. By this time only Seward and Smith were willing to accept Scott's views. The majority were ready for action, and preparations for two expeditions to hold these properties were hastened.

Meanwhile it irked South Carolina that her fairest prospect was still marred by the reminiscent flag of the Union, and her governor and the Confederate Commissioners began to doubt the validity of statements they had received as to evacuation. On that fateful April 1 their intermediary, Campbell, sought Seward and had two interviews with him. Seward consulted the president and on his return wrote : "I am satisfied the government will not undertake to supply Fort Sumter without giving notice to Governor Pickens." "What does this mean?" asked Campbell,



"does the President design to attempt to supply Sumter?" "No, I think not," replied Seward. "It is an irksome thing for him to surrender it. His ears are open to every one, and they fill his head with schemes for its supply. I do not think he will adopt any of them. There is no design to reinforce it."

Lincoln's reply to the commissioners through Seward to Campbell, who passed the message to the commissioners, indicated a new policy which was not Seward's. Plainly Campbell saw this, but Seward did not; or if he did, was not worried. His "Thoughts" were in the president's hands, and his nature was such that he did not doubt their acceptance. Lincoln, however, was no longer a fumbling country lawyer. His reply to the "Thoughts" is in his best style (which was rarely without preparation), was prompt, tactful, but emphatic. Without resentment and without arrogance he rested upon the simple, homely fundamentals. He had been chosen to assume the responsibility of government; however inadequate he might prove he could not delegate his supreme functions. It is a reasonable assumption that he had been giving Seward the rope with which to hang himself. Politically, Seward was still stronger than Lincoln, nor could Lincoln well afford to lose Seward's abilities, which were probably highest in the cabinet. Lincoln would not quarrel and could not come to an issue on a minor matter. Probably he had not yet sensed that love of office which would keep Seward from resigning, that sweetness of disposition — so rare in those about him — that would not harbor a grudge, and that adaptability which could turn all his galvanic energies from one object to another — from independent command to subordination. During March, when Seward irritated the other cabinet members, Lincoln assumed the entire blame. Now, however, Seward had so clearly exceeded the limits of decorum that he could not show offence at the president's reply, which spoke with the inexorable logic of fate. Without a quiver, but with obvious understanding, Seward accepted his answer and abandoned his premiership. On April 7, reports were becoming rife that Sumter and Pickens would be reinforced. Justice Campbell asked Seward whether the reports were well founded. Seward replied: "Faith as to

Sumter fully kept — wait and see.” He was, of course, thinking of Lincoln’s promise to do nothing without notice. It is not unnatural that the Confederate Commissioners supposed he referred to his own earlier pledges of abandonment and later charged the government with bad faith. Who indeed would have supposed that the president and the secretary charged with foreign affairs had been working at cross purposes ?

On April 6, Robert S. Chew, a clerk of the state department, departed for Charleston with instructions drafted in Lincoln’s own hand and which on April 8 he read as directed to Governor Pickens, with whom as a constitutionally chosen state executive the president might communicate : “I am directed by the President of the United States to notify you to expect an attempt will be made to supply Fort Sumter with provisions only ; and that if such an attempt be not resisted, no effort to throw in men, arms, or ammunition will be made without further notice, or in case of an attack on the fort.” Lincoln had taken the full time allowed him to enable Northern sentiment to unify. He decided upon the absolute minimum of action, action which he did not fail to point out later was merely to supply food to hungry men ; but yet the thrust was enough to force Davis to a quick and dangerous parry. The crisis swung to Montgomery.

Jefferson Davis, systematically conducting his orderly administration, avaricious of detail, slaving over his desk like a New England clerk on the rise, and with high intelligence, was less surprised by this turn of the wheel than were his commissioners. He had always thought war probable and on April 2 wrote his secretary of war that he had no confidence in the assurances by the government at Washington. Neither prescience nor industry could avert the new thrust which Lincoln had made. It must be received or parried. The question of what action should be taken was discussed in the Confederate cabinet with the seriousness it deserved, and there was not unanimity of opinion. Toombs, after hesitation, was opposed to violence. Yet it is hard to see how Davis could have done other than he did. It was his duty as executive not to be rushed by the excitement about him, but the basic fact remained that to the Southern mind

the holding of positions by the national government was a denial of Southern independence. Negotiations had been refused, and after six weeks of waiting the Lincoln administration was now confirming by action that portion of the inaugural address which the South believed spelled war.

By this time the forces at Charleston were under Confederate rather than state control, General Beauregard of Louisiana being in command. On April 10 Davis ordered him to demand the evacuation of Fort Sumter and in case of refusal to reduce it. The demand was made by three aides ; and on handing them his refusal, Anderson added he would be starved out in a few days. Beauregard promptly telegraphed this fact to Montgomery and received the reply that if Anderson would indicate the time and would agree to use his guns only if fired upon, such terms could be accepted. Anderson answered to this, that unless he received orders or supplies, he would evacuate on April 15 at noon and that he would use his guns only if "compelled to do so by some hostile act against the fort or the flag of my government." This was of course a rejection, as it left him free to assist the relief expedition should it arrive. In accordance with orders Beauregard's representatives gave command to fire. At 4.30 A.M., April 12, the first shell burst over the fort. With dawn the relief expedition arrived but was able merely to stand by and watch the bombardment and later to bring home the little garrison which surrendered with the honors of war late on the thirteenth. Rhodes considers the Confederate order to fire a blunder, but at least it made no difference. The relief expedition appeared before the hour set for Anderson's evacuation. Its attempt at relief would have been met by fire, and Fort Sumter would have joined the *mêlée*. Circumstances and Lincoln had spread a net which could not be escaped ; the first fire could not but come from Confederate batteries. Meanwhile the expedition for the relief of Fort Pickens successfully accomplished its purpose.

The importance of this first shot is illustrated by its effect. As fast as the telegraph carried the news, both North and South literally sprang to arms, some with relief, some with sorrow, but single in the conviction that this was the moment. Quickly the

response came back to Lincoln from the governors of fifteen states that old parties had disappeared and that there was now but one party, that of the Union. Democrats hastened to declare their loyalty. Douglas left Washington to make a whirlwind campaign for the Union among his Western supporters. James Gordon Bennett, but overnight writing peace editorials, assured the president of the support of the New York *Herald*. Benjamin F. Butler, Breckinridge leader in Massachusetts, annoyed Governor Andrew by being the first to offer a regiment. Buchanan wrote General Dix, April 19: "The present administration had no alternative but to accept the war initiated by South Carolina or the Southern Confederacy. The North will sustain the administration to a man ; and it ought to be sustained." William Lloyd Garrison declared for war but not for union. By the time that Lincoln on April 14 issued his call for 75,000 men, probably ten times that number were, not indeed under arms, but earnestly, awkwardly drilling to avenge the flag, symbol of union, of the happy life, of freedom. The shot at Sumter was to the Northern mind the declaration of war.

Equally to the Southern mind the president's proclamation was such a declaration. He did state that the purpose of the call was not coercion, but the suppression of "Combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by law," which existed in the states of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas. Those combinations, however, were the ordinary, constitutional governments of those states. The Cotton South responded to this as the North to the shot at Fort Sumter.

The first encounter between Davis and Lincoln was not decisive, for Davis compelled a coercion which united his confederacy and carried its flame of resentment northward beyond his borders. Lincoln, however, had compelled Davis to strike the first blow and so to fuse the North into one determination to preserve the Union. Lincoln had also made his many-minded cabinet a unit for his policies and had presented to the undecided slave states a case based upon long suffering and patience. He

could not have struck later without an exhibition of weakness. Whether he might have struck earlier with safety no one can tell. In dealing with a subject so subtle and intangible as public opinion, the historian often can merely note results. If April 12 was not the proper moment at which to bring the North to its decision on peace or war, it was at least one moment in which it could be done. George Ticknor's six months of thinking were not fully over, but he could write on April 28, 1861: "Through the whole of the last six months, you see the working of our own political institutions most strikingly. The people were the practical sovereigns, until the people had been appealed to, and had *moved*, the Administration, whether of Buchanan or of Lincoln, could act with little efficiency. We drifted. Now the rudder is felt." Already on April 21 he had written: "But there are other things to talk about now. The heather is on fire. I never knew before what popular excitement can be. Holiday enthusiasm I have seen often enough, and anxious crowds I remember during the War of 1812, but never anything like this. Indeed, here at the North, at least there was never anything like it; for if the feeling were as deep and stern in 1775, it was by no means so intelligent and unanimous; and then the masses to be moved were as a handful compared to our dense population now. The whole people, in fact, have come to a perception that the question is whether we shall have anarchy or no."

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## CHAPTER V

### DIVISION

IN APRIL 1861, North and South were agreed to fight. The majority in both sections estimated that the war would last three months. Actually more than five months had passed before they were able to join in serious conflict. When the two extreme sections had reached their irrevocable decision, they were still separated from each other by the middle area, which extended north and south from three to four hundred miles and stretched from the Atlantic seacoast to the western confines of Missouri and Arkansas. This region had in November voted for compromise when the North and South had voted against it. On April 12 it was still unreconciled to war. It was divided into eight slave states and was made up of sections differing in their economy, their political and religious creeds, and their histories. Among its population all the opinion of North and South met in controversy. Families were rent in twain and individuals tossed at night with divided minds. This middle region was torn in its sympathies, beliefs, and interests. It did not wish to fight, but in it most of the war would be fought. In the great conflict it stood an innocent victim of the desire of others, the land of tragedy even before blood was spilt.

Theoretically three roads were open. The region might remain neutral, forbidding hostility within its borders and letting North and South rage against each other on the seas. Or, it might choose alliance with the one or the other, severing its ties with the rejected. Although neutrality was tried, it evaporated in the heat of the fire burning so hotly upon both sides. In the remaining choice of taking sides between the contestants it stood for the most part free, though circumstances in some regions bent its will.

In determining its choice, conditions long ago created by man or nature were the most important factors. In the determination of the most doubtful, however, the actions and arguments of

North and South had their weight, and Lincoln and Davis entered into a new contest to enlist allies. Beyond this region, moreover, swept the great expanse of the West, states, territories and vaster areas unorganized, some masters of their own fate, some puppets to be controlled by the master contestants. Not until November was the division of the Union completed and the opportunity for strategy of strength fully opened.

In three states, Virginia, Arkansas, and Missouri, the people were already sitting in specially called conventions when the conflict began. Of these the chief was Virginia, mother of the Union and of commonwealths, proud and revered not only for her record but for her wisdom. The Virginia that was so conscious of herself and lived in the minds of others was not a matter of boundaries or of statistics. It was the land washed by the slow rivers of the tidewater region, the pleasant slopes of the Piedmont and the long valleys of the Shenandoah and the Roanoke. It was the richest region of the South and the most diversified in its agriculture and its industry, but it was dominated by its planter aristocracy, though the prosperity of the plantations had passed its zenith. Investments played a part in their support, and Baltimore was their financial centre, though some dealt directly with New York as their grandfathers had with London. There was a superabundance of production, and necessity caused many of their slaves to be sold south by the despised slave traders. Thus interest linked Virginia with both contestants.

While South Carolina was governed by an aristocracy, Virginia was governed by aristocrats. Of almost pure English stock, the Virginians were less given to metaphysics than the South Carolinians, but rather meditated on philosophies of living. Their code was based on that of chivalry modified into that of the English gentleman of the seventeenth century and again colored by the progressive refinement of two centuries of American life. Proud of their hospitality, they loved such stories as that of the lady who came to visit and stayed seventeen years, being treated always with the exacting courtesies due a guest. Proud of their attitude toward their women, they liked to tell of twenty-year engagements or of the Richmond belle, ageless, on

whose entrance the theatre audience always rose. Their women were indeed the flower of their civilization. While the master of an inherited plantation did not have enough routine occupation to keep him reasonably busy, his wife was not without responsibility from her rising to unlock the food cupboards in the morning until they were relocked at night, but her grace must never be marred by hurry, while continual charm was considered even more requisite than managerial ability.

Virginia gentlemen were known, as were French nobles, by their estates, and it was on them that they spent most of their time and were most themselves. Richmond was no such unifying centre as Charleston, and opinions differed much more widely. For twenty years a powerful effort had been made to win favor for the Calhoun doctrines, which were thundered from the Richmond *Enquirer*, but Calhoun's system never won a majority. More were attracted to the earlier philosophy of Jefferson, and many were followers of Washington and Marshall. Virginia was never proud of slavery. For fifty years, from 1780 to 1830, she seemed on the point of voting for gradual emancipation and probably would have adopted it, had not the presence of her large free-negro population made her conscious of the race problem. Many — Robert E. Lee for one — regarded it not so much a necessary evil as a temporary one, and recognized a duty to assist in the development of the negroes.

The course of politics between 1830 and 1860 gave little indication of where Virginia would stand in such a conflict as was now upon her. She no longer furnished the leaders in national politics. Most conspicuous of her own politicians was Henry A. Wise, the Democrat, whose minority support was often turned into a majority by the votes of that western section of the state which was politically united with her but which was alien in most respects. Wise's supporters in old Virginia included the most violent secessionists, whose views were voiced by A. E. Pollard in the Richmond *Enquirer*; those in the west were devoted Unionists. The Whigs, as in most portions of the South, included the larger part of the wealthier plantation owners. Their cohesion was based more on social interest than on constitutional



views or public policies. Few were Websterian ; Clay was powerful among them ; but probably more of them agreed with Tyler that the Constitution was a compact. They are rather to be taken as moderates, constituting a brake on action, than as a party with a program. The Richmond *Whig* was more certain of its opposition to the *Enquirer* than of its own stand.

The impending trouble strengthened the Whigs. Bell carried the state by an extremely small majority. When his vote is added to that of Douglas, it is clear that the majority stood for compromise. Nor was Virginia passive in supporting compromise. On November 15, 1860, Governor Letcher, in calling a special session of the legislature, stated that should the state present to the North such terms as he proposed, he believed that they would be "freely, cheerfully, and promptly assented to." Even after the failure of the Peace Conference, which was her proposal, Virginia did not abandon her position of mediation. The legislature also called a state convention, and in the election which took place on February 4, 1861, the Whigs were triumphant. Of more than a hundred Whig members, only thirty were secessionists. This convention refused to take action and was in the North widely proclaimed Unionist.

Many in the North, however, were deceived as to the degree of Virginia's Unionism. There was during the period of debate a strong realization of what her ultimate decision would be when the compromise and mediation failed and she would have to take a side. During December and January, thirteen county meetings passed resolutions ; all took their tone from the first — those of Clark County — December 12, 1860 : "That we should resist any attempt to coerce a seceding state ; and that the government has no right to collect revenues in a state that has withdrawn from the Union." The Richmond fast-day sermons on the first Sunday in January called for resistance, and one minister offered to lead the army. The Lynchburg *Virginian*, January 9, 1861, suggested a separate republic of "Border States" to keep the peace. On March 9, the majority report of the legislature's committee on federal relations recommended that power be given the federal government to recognize the independence of seceding states ;

the minority report of Henry Wise recommended time for adjustment and the arming of Virginia. The only voice favoring the exercise of force by the federal government was that of John Miner Botts. It was evident that Virginia favored compromise, that only a minority wished secession, but it was plain that she would resist what she considered aggression — not solely aggression against herself, but as a principle.

The act which finally gave her unity was not the firing on Fort Sumter but Lincoln's call for troops. The revulsion of feeling obliterated differences of constitutional interpretation. Those who believed that the Constitution was intended to be perpetual were as opposed to its maintaining its perpetuity by force as were those who believed it a compact only ; they simply reverted to the older and still hallowed doctrine of revolution. Fundamental was that dislike of restraint which for a century had been the dominant motive with Virginians, aristocrat and yeoman ; that sense of individual freedom which had worked the first stirring of revolt against Britain in George Washington. Stronger than self-interest with the Virginian was his determination to have no master, and before this basic impulse the metaphysics of constitutional interpretations were a futile web. He spoke of coercion against states, but he was equally opposed to coercion of the individual man.

This ingrained and inherited antipathy for coercion indicated where the Virginian's sympathy was to be. When sides had to be taken his likes and dislikes became a factor, and there could be no doubt that it was with the South and its plantations ; the South and its cousins, one may say even the South and its docile, singing slaves, rather than the rude mechanics of the North, that appealed to his heart when coercion goaded his pride. It was such sympathy that gave the South her greatest leader, for Robert E. Lee had no doubt of the intended permanence of the Constitution or of its powers, but he believed in the right of revolution ; he could not desert his neighbors, whose manners and intents were like his own. It was perhaps ironic that the state which more than any other had given of its intellect to the solution of problems of government should be swept into action by its emotions. Virginia

shared the fate of the unoffending Border which, amid the toppling of its ideals, was forced to march to the call of trumpets not its own. Virginia left the Union with no elation, as did South Carolina, but with anger amounting in many cases to a fury.

This fury tore the state from the old government and put her into the arms of the new with such speed that legalities followed events. The people anticipated the governor and the governor anticipated formal votes. On April 16 Governor Letcher refused Lincoln's call for militia, and on April 17 the convention passed a secession ordinance subject to a popular referendum. On April 18 the United States guard at Harper's Ferry arsenal withdrew just in time to escape approaching state troops, but not in time to escape the town mob; on the twenty-fourth the garrison of the Gosport navy yard at Norfolk departed when mobs threatened to set fire to fifty million dollars' worth of property, including a considerable portion of the national navy. On the twenty-second, Alexander Stephens had arrived in Richmond and delivered a speech counselling alliance with the Confederacy until the vote of the people made effective union possible, and on April 25 Letcher, confident of popular support, proclaimed alliance. On May 6 Virginia was admitted to the Confederacy, and on May 30 Jefferson Davis arrived in Richmond with his government. It was not until June 25 that the popular vote was announced: 128,844 for secession to 32,134 against; but as will be seen, the segregated minority had already left the state. The real Virginia was as solid in her defiance of the Union as any state of the Cotton South.

Had the Virginian movement grown out of the aristocracy only, one might have doubted the position of North Carolina. Patrick Henry and Thomas Jefferson had always looked across the border for support when in doubt as to their position at home. When, however, Jeffersonian individualists united with the tide-water aristocrats, the two states constituted a unit. The slight differences in their action were chiefly due to the fact that the mountain area in North Carolina was more firmly embodied in the state and could not be so easily disregarded as could the western part of Virginia. Thus her action during the period of doubt

was more reassuring to Northern lovers of union than was the action of Virginia. The legislature proposed a convention but submitted the question to the people who, in February, voted it down 47,325 to 46,672 ; undoubtedly they did not wish to secede. When, however, the question was changed to one of coercion and of taking sides, realization of the inevitable was as immediate in North Carolina as in Virginia. On April 21 the mint at Charlotte was seized by the state ; on the twenty-ninth Governor Ellis seized United States supplies and the arsenal at Fayetteville. In the February election members for the proposed convention had been elected but had found themselves without a job. Now they were called, and on May 20 voted to secede, and the state was soon admitted to the Confederacy.

The flame of anger leaped the Potomac and flared northward through the quiet plantations of the Maryland estuaries into Baltimore, one of the greatest cities of the slave states. For a time it took possession of the city and shot forth to come for the first time into actual contact with the anger of the North at the Mason-Dixon line. Of a color with North Carolina and Virginia, Maryland had shades of difference in its composition, and it occupied a unique position. Its territory ran north of Washington, cutting the national capital from that portion of the Union which supported the national government, and Baltimore was essential to the connection. Baltimore was in tumult, and soon the secessionist mob, abetted by the police, was in control. When on April 19, the Sixth Massachusetts, the first regiment to respond to Lincoln's call, detrained at the northern station to march to the station for Washington, a mob of ten thousand jostled them, killing two. The soldiers fired. An unarmed Pennsylvania regiment, which was following, turned back. That night the bridges carrying the railroad north were burned and Washington was isolated ; while by way of Relay House junction and Harper's Ferry Baltimore communicated with Richmond. Here was a problem that demanded immediate solution ; the national government must keep open the road north or abandon its capital, its prestige, its archives, and perhaps more.

Of the state of mind of Maryland, the only generalization that

may be safely made is that it was tragic. Its western districts, Hagerstown and Allegany county, knew their mind and declared for the Union on April 23, but plantation Maryland, with its metropolis, was immersed in doubts. Sympathy was Southern, but the population had never been as restive under the hand of authority as had been Virginia, and there was always impending the fear that war might be fought in her territory. Her will was for compromise and for the Union, and, failing these, for neutrality. Her responsible officials strove for peace. The mayor of Baltimore marched through the city at the head of the Sixth Massachusetts and then joined with Governor Hicks in beseeching Lincoln to send no more troops that way. A committee of the Baltimore Y.M.C.A. supported their request. The governor on April 25 suggested that hostilities be stopped and that the mediation of Lord Lyons, the British Minister, be accepted. In the June elections for her six congressmen, all but one district, that of Baltimore, chose Unionists. Yet this was after thousands of young voters had begun drilling in Virginia; even so, Baltimore cast 6702 votes for secession to 6200 for union, and the plantation area about Ann Arundel county gave 4305 for secession to 4467 for union. Here, one feels, Southern sympathies were thwarted by circumstance.

When the government found itself cut off from the North by the breaking of railroad connections and besieged by Virginia batteries on the Potomac, it did not lie supine. On April 24 Massachusetts troops arrived at Fortress Monroe and thence they were sent to Annapolis. From there ran a railroad to meet the regular Baltimore-Washington line, but this was torn up. In command of the troops was that erratic genius, General B. F. Butler. He lined up his regiment of Lowell mechanics and asked for volunteers to repair the road. Some of the very men who had built the lone available locomotive stepped out, and within a few hours the whole road was workable and communication with Washington was reopened. On the twenty-seventh the Fourth Massachusetts and the Seventh New York entered the capital and solemnly took the oath of allegiance. The next day the *Baltimore Sun*, which had throughout the crisis maintained a position strongly Southern,

declared it was not for secession but wished to have a convention of the people of the state. Lincoln feared that the legislature which assembled on April 27 would call such a convention and that the convention would vote the state out of the Union, or at least delay the assembly of troops. He decided for drastic action.

On May 6 General Butler moved up from Washington to Relay House, and now it was Baltimore that was isolated. On May 14 he entered the city and occupied Federal Hill, and on May 18 disbanded the Baltimore militia. Arrests were made, and the case of one Merriman was brought before the federal court on a writ of *habeas corpus*. Chief Justice Taney promptly handed down his decision that any lawyer could suspend that writ and that Merryman should be released or tried. General George Cadwalader refused to honor the writ, and the government continued to arrest and imprison on suspicion. Among those arrested was Ross Winans, the great inventor and iron manufacturer, who had just endeavored to send a much discussed "steam gun" to Richmond. Finally on September 18 the Maryland legislature was closed by the provost marshal, and the members suspected of secessionist sentiments were imprisoned in Fort McHenry, from which they were subsequently removed to Fort Warren in Boston harbor. Thus Maryland was deprived of the opportunity for making her own decision, and the historian can only conjecture what that decision would have been. Lincoln's first demonstration of force was effective.

It is obvious that little Delaware would not have been more free to decide to leave the Union than was Maryland. The evidence is that she did not wish to leave. Her territory was another watershed away from the area of contagion, and all lay in the wash of the great Delaware river that linked her with the North. On April 17 what was reported to be the largest public meeting ever held at Wilmington declared for union. Senator Bayard was reprimanded for having taken a trip south and for the laxness of his Unionism, and all subsequent actions of the state denote loyalty to the national government.

Simultaneously the same conditions were operating to the west-

ward. The tide of secession had risen enough in Arkansas to effect the calling of a convention but not to float her out of the Union, and the convention adjourned. This was undoubtedly a disappointment to the leaders of the Cotton South who had counted on her, but it was dispelled when antagonism to coercion was added to their arguments. Governor Rector and the people immediately took her out of the Union *de facto*, and the convention, reassembling, voted secession on May 6, 69 to 1.

The conservatism of the planters of the rich lands of the Nashville district of Tennessee, who were supporters of Bell and had been even in the reign of Andrew Jackson, had prevented in that state even the calling of a convention to consider the question. No less substantial, however, was the April reaction. Governor Harris had no doubt of what was expected of him. On April 18 he refused troops to the Union. On April 23 Bell declared himself for the South. A military league was formed with the Confederacy — an action totally contrary to any theory of law and constitution, but unchallenged on the plantations of the Cumberland, the Tennessee, and the Mississippi. Regularity was to follow upon haste. The legislature called a convention in which an ordinance of secession was passed and submitted to the people who, in May, accepted it by a vote of 112,564 to 47,238. Here, however, as in Virginia, the vote was sectional; the middle area was for secession by 58,269 to 8198, and the Mississippi 29,127 to 6117. East Tennessee voted it down by a large majority.

The enthusiasm of the lesser planters of the Mississippi was more vociferous than that of the stately homes of the inland cotton belt, and it ran upstream full tilt into collision with Unionism in St. Louis and, without sweeping that obstacle away, reached beyond it up the Missouri river to Jefferson City, the capital of Missouri. For ten years Missouri seemed almost a second Mississippi in Southern leadership. She had unseated Senator Benton, and in the North her "Border Ruffians," despoilers of virgin Kansas, were thought the final word in the villainy of slavocracy. In November 1860, Douglas and Bell had run neck and neck, with Breckinridge far behind. Missouri stood with the Border for

compromise, but it seemed a normal expectation that she would react to coercion as did Virginia.

Surprising economic changes, however, had been taking place, changes which slavocracy hardly realized. Farm production was led by tobacco, hemp, and corn, which had jumped from 9,000,000 pounds, 36,000,000 pounds, and 17,000,000 bushels, respectively, in 1840 to 25,000,000, 219,000,000, and 72,800,000 in 1860. By the latter date vegetable, fibre, and animal products were quite well diversified. Improved farm lands increased seven-fold. Values of local manufactured products were about doubled over the same period while iron and lead mines were almost as prosperous. The significant fact was the change in transportation routes ; before 1840 Missouri's exports were shipped down the Mississippi, but by 1860 a large percentage of them were sent eastward over the fast developing railroad systems. Her interests were no longer solidly plantationist, but her state government was in the hands of Southern sympathisers, and a state convention was called for February 18, 1861, to consider the state of the Union. Why the secessionists who controlled the state assembly gave up their opportunity to take Missouri straightway into the Confederacy can be answered only in their faith in the full sovereignty of the people. Delay proved fatal to their cherished desire, however, for this convention which first met in Jefferson City and then moved to St. Louis was cleverly manipulated by the Frank Blair Unionists and voted against secession and adjourned. Such was the situation when the guns boomed at Fort Sumter and Lincoln called for troops. On April 19, Governor Claiborne F. Jackson hurled back defiance at the call and anticipated the action of his people by organizing troops, State Guards, among whom Mark Twain was caught up. The arsenal at Liberty was seized and camps were established to train the state militia.

From the Mason-Dixon line south and southwestward into the plains of clays and rich loams, alluvial river bottoms, and pine grown sands, towered a mountain mass several hundred miles long and from a hundred and fifty to two hundred miles broad. It consisted of many parallel ridges often unbroken by passes for



hundreds of miles, between which were long, narrow valleys. Politically, the mountain region was divided between eight states, constituting western Maryland, Virginia, North and South Carolina, eastern Kentucky and Tennessee, and northern Georgia and Alabama. It contained, however, its own civilization. Its population had been drawn from most of the colonies, from all of the stocks of Great Britain and Ireland, but particularly from Scotland and Ulster, and from Germany. Its Germans, filtered through Pennsylvania, were strongest to the east, the Scotch and English to the west. There had been little immigration for a hundred years, and there had developed a unity of characteristics as marked as that of New England or Virginia. The people were typified by a recognizable physique of tall and sinewy figure, enduring but loosely knit. Intelligence was high, but most of the population had been separated from schools for generations, while continued emigration from the days of Daniel Boone had drained away much of its initiative. Sons of the stock were journeying to East and West, in South and North, and were raising Pittsburgh and Chicago to greatness, but those who stayed at home had changed less since the Revolution than any Americans.

Modes of life were determined by geography, which isolated the dwellers of one valley from those of the next, and all from other regions by the rough trails down each valley to some pass, and thence irregularly to the plains. Geology was a visible force. Here and there, as in Virginia, iron was near the surface, and iron-masters lived in some states. Where the valley bottoms lay on limestone, a vegetation flourished which gave opportunity for rich farms or plantations with slaves. For the most part, however, a living was scratched out, scantily but not laboriously, by hunting and by crops of corn and rye, much of which was turned into whiskey, the only easily transportable article of export. Each family, brooding in an isolation broken only by infrequent church services or rough dances, or by an occasional visit to the store, nourished its resentments and passed on personal and political feuds to its descendants.

In general the people of the mountain valleys cared little about either slavery or the negro and would not go far to defend either.

They were sensitive to control, strongly independent, and preferred local laws. Since the repeal of the whiskey tax by Jefferson, there were no federal taxes and few federal officers. The governments they encountered were those of the states, in each of which they were a minority. Their attitude was in each case much affected by the policy which their particular state had pursued. Georgia had done most for them; in Tennessee they had played the most important part, one of her senators now being Andrew Johnson from their district; and in Virginia they were most discontented, paying taxes for transportation facilities which did not benefit them. Yet everywhere the state meant strife and a political inferiority dating back of the Revolution; the Union was a vague beneficence and the Constitution an ideal lauded by their leaders and meaning whatever they wished it to mean.

Nowhere in this region was secession popular. We have seen that the chief opposition to it was in Georgia and Alabama where the decision to secede had been generally accepted, but trouble was yet to come. The division of allegiance was more marked in North Carolina, and was to cause great anxiety to the Confederacy. In Maryland it helped swing the state to the Union, and in Kentucky all were waiting. In Tennessee and Virginia, however, reaction was immediate and important.

East Tennessee was differentiated from the rest of the state by its earlier settlement and the part it had played in the Revolution, as well as by geography. Struggles for supremacy when Andrew Jackson was young had nourished a rivalry which was embittered by the gradual rise of the West. When Governor Harris made his alliance with the Confederacy the people of the East remained passive, awaiting, though without much hope, the popular vote. In that vote East Tennessee stood 32,923 to 14,768 against secession. Harris, on his part, sent to the region the personally popular General Zollicoffer who occupied Cumberland Gap, the outlet of the great mountain valleys of the Tennessee and the Cumberland rivers into Kentucky. The other three great gates all opened into Confederate territory, northeast to Virginia, southwest by the Tennessee river into middle Tennessee, and southward over the Georgia state line to Atlanta. Through the

valley from Chattanooga, junction point for Atlanta, Memphis, and the Southwest, to Knoxville and on to Lynchburg and Richmond, ran the only complete east-west railroad of the Confederacy, almost as vital to its success as was the Baltimore connection to the Union. Soon trains were passing through, carrying troops on the way to the Virginia front, and Confederate officials were performing the functions previously executed by officials of the United States. At the same time W. G. Brownlow in his *Whig* editorials was denouncing secession and proclaiming his loyalty to the old government.

On May 30, a convention of counties met in Knoxville, attacking the governor's policy and declared for regional neutrality. Meeting on June 17, in an adjourned session at Greenville, the convention adopted resolutions for the creation of a new state of East Tennessee. This request was to be referred in the first place to the state legislature, but unpublished resolutions expressed the determination to proceed even in the event of refusal. Peace, however, still prevailed, and in August the usual elections took place, including those to Congress. Three members elected from East Tennessee considered themselves chosen to Washington, while three in the rest of the state proceeded to Richmond. Only one, Horace Maynard, actually reached Washington where he joined Senator Andrew Johnson who had not ceased to sit in the United States Senate. Meanwhile, group after group dribbled through the "Gap" to enter the Union army.

Such a situation of calm in the midst of opposition so extreme could not endure for ever ; it is almost incredible that it lasted until November. On the eighth of that month the storm broke in the concerted destruction of railroad bridges. This was indeed an overt act that the Confederacy could no more ignore than could Lincoln ignore the action of the Baltimore rioters, nor could the state brook such an assault on her sovereignty. If there were no nation, and states could not hold together, what ties of government and society would remain ? Could counties maintain their integrity ; or if they could, would they much modify anarchy ? Governor Harris sent ten thousand troops by way of Chattanooga ; and Benjamin, Confederate secretary of war, sent

as many through Lynchburg. Martial law was proclaimed in Knoxville ; and political prisoners filled the jails which overflowed ; while the more feared gentlemen, among them state Senator Pickens, were sent to Alabama. Davis was as effective as Lincoln in the use of force when necessity demanded, and the vital passageway of East Tennessee was held to the Confederacy against her will, as was Maryland held to the Union.

In Virginia the valleys whose waters flowed eastward stood, for the most part, by the state ; and from them "Stonewall" Jackson drew his incomparable corps. Those to the west of the central ridges, however, were even more dissatisfied than the East Tennesseans, and they were more free. Quarrels between the coast and the frontier had begun with frontier history. Quarrels over defence against the Indians and representation in colonial days had been replaced by those over taxation and the improvement of transportation. Washington had sought to bind the coast and frontier by canals, and Jefferson did much to remove the fuel of controversy by his policies of freedom, and particularly by the disestablishment of the Episcopal Church, which had few adherents in the West. Governor Wise sought to have the state meet some of the demands of the mountaineers. Sectional strife was no new problem ; it had resisted for a century all attempts at assuagement. Fundamentally it was a problem of disparity of cultures, each freely flowering from its own soil. Actual schism was no new idea and was encouraged by the opening of the valleys to broad bottoms of the westward-flowing Ohio. Only the Baltimore and Ohio railroad traversing its northern tip carried thoughts eastward. The Great and the Little Kanawha and other rivers had for a hundred years led these to the west.

When secession was voted in Virginia the western members of both convention and legislature returned to their homes across the mountains. They voted in the referendum and with their constituents stood almost solidly against secession, giving almost all the ballots cast on that side in the state. Promptly they took action. A convention met which proceeded to create a new state and draft a constitution for it. Under the United States Constitution, however, no state can be divided except by its own

consent. There was, of course, no hope in Richmond, but the promoters of separation were resourceful. They argued that by voting for secession the majority of the Virginia legislature had committed treason, and that the state officers, by acting in accordance with them, were equally guilty. "To the loyal people of a state belongs the government of that state." Acting on this theory the western members, who had returned home after the secession vote, reassembled at Wheeling, chose F. H. Pierpont as governor in place of John Letcher, who was illegally exercising these functions in Richmond, and chose new and loyal senators to Washington. On June 26 Lincoln recognized the Wheeling government as that of Virginia, and he proceeded to give legal sanction to the dignified birth of the new state of West Virginia.

To Virginia and to the Confederacy the action of the West Virginians was as distasteful as the recalcitrancy of East Tennessee. Since no important transportation routes ran through West Virginia, it was less vital to the Confederacy's existence and was more difficult to control. All during the summer state and Confederate troops sought to win it to obedience. They were met by volunteer regiments from Ohio. Here in West Virginia Robert E. Lee and George B. McClellan first clashed, and McClellan drove Lee across the mountains. It was popular resentment rather than arms that triumphed. Neither North nor South in 1861 possessed a military force sufficient to restrain an unwilling population, except in such vital spots as Baltimore and Knoxville, both of which were cut off from their sympathisers, while West Virginia was nearer to Ohio than to Richmond.

The division of the vast empire to the west, the bone of contention which had done so much to bring about the conflict, was in part the result of self-determination, in part of management. Kansas, with her Free-soil majority, naturally followed the North; and feeble Nebraska went with her neighbors, Kansas and Iowa. To the making of Oregon, the Oregon Trail had carried over the mountains a population composed of the lesser farmers chiefly from Missouri, southern Illinois, Kentucky, Tennessee, and Arkansas. Still struggling for subsistence in their new homes, they had little concern with slavery as an asset or an evil. They

should have been followers of Douglas, but leadership had drawn them into the more radical camps. First Joseph Lane, senator and vice-presidential candidate with Breckinridge, won them; and then Edward D. Baker, one of Lincoln's dearest friends, had preached Republicanism to them. In 1860 Lincoln led Breckinridge by a few hundred votes, while Douglas carried about one fourth of the total votes. When the Union came in question, not only were the Douglas supporters added to the Republicans but, as in Missouri, a large proportion of the Breckinridge men turned in the same direction. Baker was elected senator, and allegiance to the Union did not falter. A similar population in the territory of Washington reached a similar decision. Had it not, it would have been controlled by the United States military posts commanded by Philip Sheridan.

California, the prize of the whole region because of her population and particularly because of her gold, was controlled by somewhat different conditions, most of which she shared with the other mining districts, the territories of Nevada and Colorado. Nearly all her population had been attracted by the lure of gold and adventure within the last dozen years. This magnet had pulled not unevenly from all parts of the Union and from foreign lands. Most foreigners were indifferent to American problems, and the Americans were divided on them in much the same proportion existing in the rest of the country. This difference of opinion had caused the state to refuse slavery, and it meant assuredly that the majority would be for union. In 1860 Lincoln received 39,173 votes — his slight plurality due apparently to a speech in San Francisco by E. D. Baker — Douglas 38,516, Breckinridge 34,334, and Bell 6817, the conservative temperament naturally being the least represented among the emigrants. The situation, however, was not simple or resolved without anxiety. Since throughout this region Southern political technique had proved the more winning and radical, Southern Democrats held more than their share of local posts. Senator W. M. Gwin, from Mississippi, had been close to Buchanan and almost the czar of the Far West, so that federal positions were largely held by those of his stripe. The military command of the district, with head-

quarters at the San Francisco Presidio, had been held since January by General Albert Sidney Johnston, probably at the request of Gwin. The Southern sympathizers, conscious of being a minority, were better organized than their opponents, and eighteen thousand were said to be enrolled as Knights of the Golden Circle. Clashes seemed imminent in the mining camps, and a San Francisco minister prayed for "the Presidents of the American States." On March 8 the legislature, by a vote of 40 to 32 only, declared the secession of the South treasonable.

It is probable that Albert Sidney Johnston, whose resignation was on its way to Washington, would not have countenanced a plot to use the military forces to seize San Francisco. It is certain from events in Texas and other places that the rank and file of his soldiers would not have obeyed his orders had he given them. Nor is it likely that the followers of Lincoln and Douglas, representing two thirds of that virile, free, and self-willed population, would have lain dormant before the secessionist minority. Yet Lincoln did not neglect the situation which he understood by his usual method, the information of a trusty friend—in this instance Baker, the new Oregon senator. In spite of Scott's confidence in Johnston, General Edwin V. Sumner was appointed to displace Johnston, and was sent in haste with sealed orders. While Sumner was travelling at top speed by way of Panama, Southern friends of Johnston rushed the news of the appointment over the Pony Express to Johnston, and Sumner arrived the morning after Johnston had received the message. Sumner at once assumed command and vigorously handled the situation. Southerners drifted out to join the South. Loyal volunteers, organized and eager to go East, first played their part in holding the rest of the West. Nevada and Colorado had situations not very different; but most ominous to the Confederacy was the fact that the astute Brigham Young set his face to the North, hoping to use the war emergency to secure statehood for Utah.

Davis, however, was not without his triumphs. As a Mississippian, as a military officer, as secretary of war, and as advocate of a transcontinental railroad, he knew the West well. Unable to send large forces, he relied on individuals and on Texas. New

Mexico was supposed to be pro-Southern ; and her delegate in the late Congress, Otero, was a secessionist. The military officers were able and Southern. While the federal officers appointed by Lincoln on the advice of the new delegate, Watts, proved efficient, the native Mexican population proved staunchly loyal to the Union and the regulars maintained their flag and posts when their officers fled. All, however, was not lost to the South ; and in July 1861 came what is known in New Mexican history as the Texas invasion, led by General H. H. Sibley. He occupied and held Santa Fe and sent on Colonel Baylor to the west. Here Davis cleverly took advantage of a local situation. Such slight population as had settled western New Mexico — what is now Arizona — disliked their connection with the native Mexicans of the Rio Grande valley and had made several attempts at separation. Colonel Baylor rode into Tucson and proclaimed the new territory of Arizona. A convention was summoned and, appealing to the Confederate government, Arizona was voted a new territory, with slavery, on January 18, 1862. From July 1861 to April 1862, the Confederacy thus possessed two territories, and there were hopes and fears that southern California would be linked up with them. In the spring of 1862 converging columns from Colorado and California overcame the first few families of Arizona and released the Unionist sentiments of New Mexico.

There remained the Indians — not so much the wild Indians of the Plains, who chiefly profited by the withdrawal or weakening of the federal garrisons, as those settled in southern Kansas and the Indian Territory. The great majority of the members of these tribes had been removed from the South, and had brought with them negro slaves whom they retained. They inhabited the region just west of Arkansas, with the residents of which were their chief trading relationships. Most of their religious connections also were with Southern organizations, though Congregationalism was strong among the Cherokees. Southern statesmen, also, had generally supported policies most favorable to them. Jefferson's policy of civilization was partly responsible for their condition ; and Calhoun, as secretary of war, had striven to give them permanence of location. Of late years Southerners had



called attention to their orderly government, modelled on that of the American states, and had suggested territorial status with the hope of statehood.

Texas and Arkansas were first to take action, and Texan troops, dispatched February 27, the day before the Texas vote on secession, caused the flight of the United States garrison. The Confederacy, however, soon took charge and sent a military commandant, General Ben McCulloch, and diplomatic representatives, of whom the most important was Albert Pike who had wide familiarity with conditions and a unique talent for dealing with the Indians. From a welter of negotiations during the summer of 1861, amid factional strife and inter-tribal jealousies, he finally secured nine main treaties with the Creek, Choctaw and Chickasaw, Seminole, Cherokee, Osage, Seneca and Shawnee, Quapaw, Wichita, and Comanche tribes. In securing these treaties he undoubtedly profited by the unsatisfactory appointments first made by the Lincoln administration.

These treaties represented a new and, of course, temporary, phase of Indian policy. The Confederacy assumed the financial obligations of the United States government and it guaranteed territories and political integrity. Three Indian delegates to the Confederate Congress were provided for, and the Choctaw and Chickasaw treaty contained provisions for statehood. Slavery was recognized, the fugitive slave law was extended to cover the slaves of the Indians, Indian rights were recognized in the light of past history, and courts were arranged for. Some of the treaties embraced an active alliance, the Creeks, for instance, agreeing to furnish a regiment which was to be armed and paid for by the Confederacy but was to be moved out of the Indian territory only by the consent of its men. Enlistment went on apace. These treaties were presented to the Confederate Congress in December 1861, and after serious discussion and slight amendment were adopted.

Pike had converted the tribes to his plan in the face of many local differences of opinion. The Cherokees had at first declared their nation neutral, and after the consummation of the alliance a large portion separated themselves and a minor war ensued. The

discontented were finally driven into Kansas where they were held in spite of attempts, particularly by Senator Jim Lane of that state, to re-establish them. Thus battles were fought on the borders of Kansas. On March 17, 1862, six thousand Indians took part in the Battle of Pea Ridge over the border in Arkansas. The Confederates were defeated and the Indians retreated to their defences at Fort McCulloch.

The most important and the most doubtful of the hesitant areas was Kentucky which stretched four hundred miles east and west, separating the contestants. Her adhesion was the more significant to the Confederacy as it would give considerable defence along the Ohio river. Should she remain in the Union her weight would be added to that of the North pressing against the long, slight, artificial north line of Tennessee.

Kentucky illustrated with almost mathematical precision the degree to which geology may sometimes mould civilization. The Kentucky of romance was an area of about five thousand square miles lying in the northern part of the state, rich soil weathered from a limestone base naturally yielding a blue grass unrivalled for stock and especially for thoroughbred horses. Lexington was its capital and Louisville its metropolis. As Virginian ideals were drawn from those of the English gentry, so those of Kentucky were by inheritance and design a development of those of Virginia. Nowhere was slavery so attractive as here, where the proportion of slaves, coming into close contact with their masters, was increased by interest in the stables and the races resulting from the favorite occupation. The darker side of the picture shows that betting losses and other circumstances often forced the sale of slaves "down the river," while ill treatment or ambition forced other slaves to attempt escape across the Ohio river. The life of the blue-grass area was that of the plantation region; social ties and much of its trade were with the South, but business linked it inextricably with Cincinnati with whose families its sons and daughters freely intermarried and to which it contributed some of its charm. It honored its beautiful daughters and heroic sons and revered its greatest statesman, Henry Clay. Opinions varied over a wider range than in Virginia. Whereas the majority of

Virginians believed in the compact theory of the Constitution, the majority of the Kentuckians accepted its permanence. On the whole, intellect was on the side of the North, kinship and liking were with the South.

Sharply the limestone ended in a carboniferous area round about where crops were scant, slaves were few, and small farmers raised families of barefooted children and voted for Douglas — a population not unlike that which kept Missouri and Oregon in the Union. With variations where the bottoms of the Green, the Kentucky, and other rivers afforded a richer soil, this element stretched southward to the Tennessee border. Eastward it met the ridges, with their mountain race purer and less modified by outside contacts than in East Tennessee and West Virginia. Far westward it encountered in the triangle between the Cumberland, the Tennessee, the Ohio, and the Mississippi, the loud slavocracy of the smaller tobacco-growing planters about Columbus and Paducah.

In all these four areas statistics of every kind were beautifully responsive to geological structure, density of population, proportion of slaves, wealth, products, and votes. The state was always politically divided. Clay had never been able to dominate, and now in 1861 leaders drew strength from all directions. One wandering son was Lincoln in the White House, another was Jefferson Davis : at home were John J. Crittenden, leader for compromise ; John C. Breckinridge, defender of Southern rights ; and Cassius M. Clay, a nationally known abolitionist. In 1860 Bell received 66,058 votes, Breckinridge 55,143, Douglas 25,651, and Lincoln 1364. This vote, however, could not be taken as indicative of whither Kentucky would go. The mountaineers voted generally for Breckinridge because he was a Democrat, but they were firm for the Union. The Bell vote included much of the blue-grass aristocracy which wanted peace and hoped for compromise. In spite of the majority for Bell and Douglas, the new governor, Beriah Magoffin, was, as was the governor in Missouri, for secession, and Breckinridge was elected to the United States Senate ; and yet the legislature refused to call a convention to consider secession.

When war came Kentucky would have none of it. Strong in her position and her desirability, she was able to put into effect that policy of neutrality which had been talked of from Maryland to the Cherokees. Magoffin refused to honor Lincoln's call for troops. On May 16, 1861, the legislature adopted by 69 to 26 a resolution: "That this State and the citizens thereof shall take no part in the civil war now being waged, except as mediators and friends to the belligerent parties; and that Kentucky should, during the contest, occupy the position of strict neutrality." Such a position was of course as contrary to the interpretation of the Constitution upon which Lincoln was operating as was secession. It did not, however, imply fruition in action, for the ordinary United States laws would be respected, and it was regarded as favorable to the Union rather than the Confederacy. The opposition at this stage came from the secessionists.

During the next four months conditions in Kentucky defied logical analysis. Magoffin corresponded with both governments. Over the Louisville and Nashville Railroad went cars to the confusion of the commercial policies of both governments, though each gradually lessened its scope. Kentucky, moreover, if peaceful, was not passive. Her population was drawn in unusual degree from the blood of Revolutionary veterans and was proud of its fighting record in every war. When the country was resounding with military preparations one could not expect Kentucky youth to go about its ordinary occupations. In March 1860, an elaborate new militia law had been passed, drawn up by Simon B. Buckner, a West Point graduate, who was made inspector-general. Under it enlistment into active companies of State Guards was rapid, and twelve thousand muskets and rifles were distributed to them. It was fully understood that this body favored secession. In May 1861, as a result of pressure by Unionists, a military board of five was organized, under which a new body of Home Guards, in which only Unionists enrolled, was organized to receive equal treatment from the state. Armed neutrality existed, supported by two official armies, one in sympathy with each belligerent. Yet clashes were avoided, and young men reporting to drill came together in the ordinary intercourse of life,

Preparation, however, was not enough for all. Thousands, including Breckinridge, streamed across the Tennessee boundary to join the Confederate ranks in Camp Boone. Smaller numbers crossed the Ohio from Newport to Camp Clay and from Louisville to Camp Joe Holt, and tendered their services to Lincoln. Early in August the mountaineers of East Kentucky and East Tennessee assembled in Kentucky at Camp Dick Robinson for the Union army.

While the young men were expecting conflict and choosing their sides, their elders were in hot but profound debate. On May 27 a border slave-state convention was held at Frankfort, the capital, which was attended by Kentucky and Missouri and two delegates from Tennessee. The convention recommended compromise or a national convention to discuss compromise. A usual number of men of ability campaigned the state in a spirit of deep earnestness, but perhaps the greatest impression was made by a letter from Washington by the enigmatic Joseph Holt, member of Buchanan's cabinet and adviser of Lincoln, who pronounced emphatically for union. Twice the voters had an opportunity to express themselves. In June members to Congress were elected. The secessionists largely refrained from participation and elected but one of ten, and that one from the extreme western district. More important was the August election of the legislature. Here again the secession element made little effort, which must in this case be taken as a clear indication that they felt a majority against them. The House stood 74 Unionist to 24 state rights and the Senate 21 to 11; but it must be remembered that the term Unionist covered genuine supporters of neutrality as well as those who wished to enter the war.

This situation was naturally exasperating to her neighbor states and particularly to Lincoln and Davis, all of whom, however, were forced to be polite. Lincoln as recognized chief magistrate had the most chances for error; Davis was nervous about his northern line of defence. Lincoln was fully aware of Kentucky's importance. It cannot be said that this was the chief consideration that caused him to base his action on the preservation of the Union, for that was his conviction; but undoubtedly it had much

to do with the punctiliousness of his attitude toward slavery. He kept informed in particular through James Speed, the friend of his young manhood. He could not recognize neutrality, but he respected it. In July he dictated a statement which he did not sign, but allowed Crittenden to use: "So far I have not sent an armed force into Kentucky, nor have I any present purpose to do so. I solemnly desire that no necessity for it may be presented; but I mean to say nothing which shall hereafter embarrass me in the performance of what may seem to be my duty." As a matter of apparent routine on May 28 a Military Department of Kentucky was set up. To its command Lincoln designated Major Robert Anderson, of Fort Sumter, the first hero of the war and a native son of Kentucky. Davis, or rather his secretary of war Walker, refused Magoffin's request for arms for the State Guards, while Lincoln secretly furnished a large number for the Home Guards. Lincoln's authorization of Camp Dick Robinson was taken by some as an affront to the state's neutrality, and led to a sharp correspondence between Lincoln and Magoffin, but passed as action not actually aggressive. Daily the situation became more tense. Local commanders feared lest when the inevitable movement came their opponents would have anticipated them; the authorities behind them feared that the first side to take the aggressive would, like Samson, pull the temple of neutrality upon their heads. The point of suspense was Columbus, supposed to be the key to the Mississippi, with a United States force opposite Belmont and the Confederates twenty miles south in Tennessee. On September 4 by order of the acting-general Leonidas Polk, General Pillow and his Confederate forces occupied Columbus, and Davis justified the action "by the necessities of self-defense on the part of the Confederate States" and "by a desire to aid the people of Kentucky." The patience of Lincoln had once more caused his opponent to strike the first blow. On September 10 a state-rights convention assembled at Frankfort and, hopeless of secession, declared for peace — a significant shift of position. On September 4 Lincoln followed up his advantage by revoking Frémont's unauthorized proclamation of emancipation in his military district. On September 18 the legislature practically declared

war on the Confederacy and gave command of its forces to Anderson. Magoffin remained in office for nearly a year, but the state did its duties to the Union and kept its quotas full in spite of the thirty or forty thousand who were fighting for the South.

This, however, is not quite the full story. Buckner and many of his State Guards went South. Troops and refugees, representing 44 counties, assembled at Bowling Green, where they repudiated the United States and the government of the state and set up a provisional government instructed to enter into alliance with the Confederacy. This organization was recognized by the Confederate Congress — for a moment in September 1862, during Bragg's invasion, it sat in the legislative halls at Frankfort — and it functioned in its limited way until the end of the war. Probably a majority of the Kentuckians, except in the east and the west, favored neutrality. When the choice of sides came, the mountains of the east and the small farm regions preferred the Union, the west the Confederacy. To the Blue Grass section decision brought no unity. As in Maryland, no physical force was exerted, but the atrophy of indecision yielded to the constraint of isolation. Judgment conquered but did not dominate sentiment. Most families were divided. Crittenden had one son who became a major-general in the Union army, and another who held the same position in the Confederate army. Boys in grey secretly stole home, sure of concealment by family and negroes. Sometimes they could meet, sometimes they never again consented to a meeting. Under such circumstances some peoples would have relieved their emotions in literature, some societies would have broken under the strain. The Blue Grass met its fate in silence and with a lifted chin. John G. Carlisle said many years later : "I never made a speech or gave a vote that was not in favor of the Union . . . but I confess to you, gentlemen, that when I heard of a Confederate victory, I could not help feeling sympathy with it." When the war was over, politics removed the creators of state sectionalism, but the special honors peculiar to the Blue Grass — the elections of racing officials — went for this generation to the boys who fought for the South.

When the division had taken place Lincoln held the states

which had voted for him, plus Delaware, Maryland, and all the territories except New Mexico, and he had, also, a new state, West Virginia. Davis held ten states, the territory of New Mexico, and the new territory of Arizona. Both governments, North and South, and their congresses accepted members from the states of Virginia, Kentucky, and Missouri. In addition the United States Congress had actually a senator and a representative from Tennessee, while that of the Confederacy had two delegates from Indian tribes, with a place for a third. No delegates for New Mexico appeared in the Confederate Congress, even though its capital was occupied by Confederate troops. The South had a valuable asset but a constitutional anomaly in the official recognition of the troops of the "Maryland Line." Physically the division ran from Chesapeake Bay up the Potomac, along the central ridge of the Alleghanies to about Cumberland Gap. Thence it extended irregularly across southern Kentucky, crossing the Mississippi, where it was lost in the confusion of sentiment and military operations, the Southern-sympathizing section being separated for the most part from Arkansas by the loyal centre. Beyond Missouri it followed the boundary between Kansas and the Indian Territory, between Colorado and New Mexico, while Arizona carried theoretically to the Gulf of California.

It is plain that when set for action this division did not constitute a "War between the States." The facts in West Virginia alone and the actions of the Confederate Congress with regard to Kentucky were a repudiation of state-rights constitutional theories. To call it a "Rebellion" is merely to indulge in epithets. Actually it was to be a "War of the Sections." Civilizations developed by two centuries and a half, during which economic and social institutions had responded to the promptings of nature, proved to be stronger entities than political boundaries, and the problem was whether their diversities were too great for union under one government. Popular usage, however, resists change, and such a name will probably never win familiarity. "Civil War" denotes a strife of factions under one government. Most Southerners deny that the United States had in 1860 such a government and reject the designation. The war itself, however,



settled the question of the sovereign functions of the central government as a matter of fact and relegated the constitutional controversy to the closet. There was a central government in 1860, and there has been one since 1865 ; the wide acceptance of the term has made it that best comprehended. On that basis it is used in this work and in its title.

It remains in drawing the threads of these five chapters together to emphasize the conclusion that the divisions being made by the American people were their own. It would seem that the small farmer element in Missouri, in Oregon, and to some degree in Kentucky, were in 1860 misrepresented, as was, in a smaller degree, the mining area in California and Colorado. This was undoubtedly due to the superior political talent of the Southern leaders, and it may have given them and their associates overconfidence. When the crisis came, however, the people were able to repudiate their leaders and to go as their own preferences carried them. Eastern Maryland and East Tennessee were held against their wishes, not by political trickery but by physical force ; the Blue Grass was not happy in its decision, but it made it. Obviously in 1860 the American people constituted a democracy and a democracy capable of thought and decision. In a brief ten months North and South decided to compromise no longer. The South, defeated, decided to withdraw. The North, reviewing its decision, reaffirmed it ; and then, confronted by a new problem, made up its mind to war rather than to admit separation. The middle area, always preferring that old policy of compromise, now rejected by the sections on both sides of it, exerted its ingenuity to bring them to terms and failed. It tried neutrality and failed. Reluctantly its component elements then turned this way and that as ties were strongest. The sovereign in each locality was indeed its people ; would a majority of all the people prove to be sovereign in the whole land ?

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## CHAPTER VI

### THE CONTESTANTS

OFTEN it has been remarked that had the Southern statesmen been versed in statistics they would not have ventured into the war. This is to overlook several antecedent miscalculations. Many Southerners did not expect war to follow secession. When war was begun the majority on both sides thought it would be settled by a few brilliant frontier victories ; only gradually did they come to the realization that it was becoming a struggle to the death. Nevertheless, statesmen who lead their followers to a risk without thought of such possible chances cannot plead their shortsightedness in extenuation, and when they hazard their own lives and fortunes they stake their intelligence as well. The statesmen of the South were not the first who failed to read the future, nor the last ; nor can it be said that statistics have made a science of prophecy. It remains yet to be proved whether the human mind can estimate, either for war or for economics, the impact of conflicting forces for any period of five years. The question is merely whether the handwriting on the wall was writ so large and clear in 1860 that chances became certainties.

In so contrasting the resources of the two contestants it must be kept constantly in mind that the objective of the North was not mere victory but conquest — as Grant voiced it, “unconditional surrender.” From this point of view it is clear that the attacking party would have to wield the greater force, not only larger armies in the field but secondary armies to protect communications through hostile country, and that the fighting value of its men was likely to be decreased by their living in an unfamiliar climate. On the other hand, the ordinary life of the attacked would be subject to the greater demoralization. Each element of strength gained or lost significance by the conditions of its use.

Of the region of organized warfare, including Texas with the first tier of states west of the Mississippi, the Confederacy controlled approximately seven hundred and eighty thousand square

miles, the Union six hundred and seventy. Of population the South could count on about nine million one hundred and fifty thousand, the North on about twenty and three-quarter millions. Its size was a distinct military advantage to the South which was increased by the distribution of its people. The bulk of its population lay in a wide belt, running with a density of between eighteen and forty-five to the square mile, from Virginia southward and then westward into Louisiana, protected toward the coast by the sparsely settled Pine Barrens and to the rear by the mountains. According to the traditions of war, the comparatively narrow frontier between the Virginia ridges and Chesapeake Bay should have served for chief defence. No army large enough to be dangerous could have found sustenance in the poor lands of southeast Tennessee, northern Alabama, and Georgia ; Napoleon's invasion of Russia was warning enough of the peril of taking large armies through a thinly populated agricultural region. Those casually familiar with the Civil War at once recall in rebuttal the march of Sherman : when cutting his connections at Atlanta he fared forth feeding his army on the plantations of Georgia. From Atlanta, however, Sherman had before him the fat lands of the Black Belt ; to arrive at Atlanta had been the crux of his problem, and he could not have succeeded had not a new factor differentiated physiography and the military art from those of Napoleon's day in a manner that few of the experts realized in 1860 — the introduction of the railroad. It is arguable that without the railroad the South would have proved unconquerable, and when it is remembered that the most important lines had been constructed between 1850 and 1860, the significance of the great compromise of Clay and Webster in 1850 ceases to be that of a futile patching of an irrepressible conflict. If the South were bound to defend her rights by war, it was the South Carolina leaders, rather than their conservative opponents, who had, if not wisdom, then fate on their side.

The fact that the railroad increased the penetrability of the South was, of course, but one of its effects. It changed and twisted almost every military condition and made the first great war fought after its introduction a game for the bold and original

intellect rather than for the trained soldier. It was the South that seems first to have realized the chaos. The Virginian Lieutenant Marcy of the Navy wrote : "The part that railroads and magnetic telegraphs are to play in the great chance of war with this country had not yet been cast, much less enacted. In a military point of view, they convert whole states into compact and armed masses. They convey forces from one section of the Union to another as quickly as reinforcements can be marched from one part of an old-fashioned battlefield to another." With annoyance the student McClellan wrote August 4, 1861 : "It cannot be ignored that the construction of railroads has introduced a new and very important element into the war. . . It is intended to overcome this difficulty by the partial operations suggested."

The first American railroads were constructed with a local or state outlook ; between 1850 and 1860 they had been planned as sectional developments. No such thing as a national system could be said to exist in 1860. At Washington connections were made by hack and dray across Long Bridge ; at Louisville by crossing the Ohio ; from Cairo, Illinois, to Columbus, Kentucky, was a gap spanned by river steamers. The southern system comprised about 9000 miles, the northern about 22,000. That of the South was on the whole the better planned. Its roads were generally built by state aid, the state taking two fifths of the stock ; general jurisdiction was maintained by a state board exercising care to prevent competition. Largely by the influence of Calhoun the aim of bringing Western produce to the Southern coast cities had for some time modified the influence of state rivalry. The result was that in 1860 the South had, in addition to the older lines running fan-like from the ports, what must be considered a first class east-west line from New Orleans to Richmond, through Chattanooga and Knoxville, with connections to Mobile, Vicksburg, Memphis, and Nashville. It had also another such line through the Black Belt, south and east of the mountains but for two short intervals at the Virginia-North Carolina and Alabama-Mississippi boundaries, which gaps were actually filled in by the Confederate government. This railroad system was supplemented by raft-

like steamers built for the navigation of Southern rivers, and by a countless fleet of small craft which brought the cotton to collection points and returned home with supplies ; these boats were frequently rowed by negroes. Rain, which was in part seasonal, but not wholly so, rendered the roads bad, but on the whole the transport facilities of the South were adequate to its economy of peace.

The northern system was less important in actual military operations than that of the South but, in "converting" the whole into a "compact and armed" mass, its value cannot be estimated. With more than double the mileage in an area somewhat smaller, the North was obviously better served. Four lines, being now represented by the New York Central, the Erie, the Pennsylvania, and the Baltimore and Ohio, crossed the mountain barrier. Undoubtedly in 1860 the North was overbuilt but thereby was ready for the war-time exigency which indeed saved the roads from financial ruin. The contrast between the two sections, however, went far deeper than the matter of mileage. It was to the advantage of the South that most of its roads were of a standard five-foot gauge, while those of the North had at least eleven different gauges, though the South's opportunity for through traffic was offset by local jealousies such as caused Lee's supplies from Wilmington to be unloaded, carted, and reshipped at Petersburg ; this the building of a mile of track would have obviated. It was to the credit of the South that her roads were more economically built and managed and more scantily stocked to meet their relatively lighter traffic. On the other hand, the great variety of the Northern roads and their exuberant financing were signs of an enthusiasm and a vitality which meant power to experiment and to expand. At the very moment of the war the romance of railroading was at its zenith, calling out perhaps a wider combination of mechanical, financial, scientific, and political talents than has been produced by any other modern invention. Boys collected locomotive numbers ; the workshops of the Pennsylvania road were forerunners of modern commercial laboratories ; the desire to win this market for their own was strong among the motives which made Pennsylvania miners Republicans.

The South did not miss all this elation. Ross Winans at Baltimore competed with Matthias W. Baldwin at Philadelphia in building locomotives, and the Tredegar Ironworks of Richmond were as effective as any in the country ; but Baltimore was lost because the Tredegar Ironworks shifted largely to the making of cannon, and on the whole the Southern railroads were slight, not easily expansible or defensible in the face of those of the North, which drew the chief abilities of its population and eagerly adapted their personnel to the new tasks of war.

The contrast in railroad systems was not so sharp as that in other mechanical industries, yet the disparity is sometimes exaggerated. The South was beginning to manufacture ; some looked to the protection of her home market from the rivalry of the North as one of the advantages to be won by independence. With peace she would gradually have diversified her livelihood, while the war probably set her back at least twenty years. It remains true, however, that the difference in 1860 was tremendous. Massachusetts alone produced manufactured goods to a value of over sixty per cent. more than the whole Confederacy, Pennsylvania to nearly twice, and New York to more than twice. Here again it was not value only but adaptability that separated them. After the first year of the war the North manufactured practically all her war supplies. The Southern armies were always armed chiefly by foreign guns, fired much foreign ammunition, and were dependent on foreign drugs and surgical supplies. In fact, the catalogue of Southern lacks and Northern adequacies wearies till it obscures the simple fact that the North was mechanically self-sufficient and the South was not. No thinking person was unaware of their difference, the only question being as to their importance.

The strength of the South was in its agriculture which was efficient and productive and more highly organized than that of the North. Its agricultural implements and its live stock stood at a higher proportion than those of the North, and the value of its products exported to the North and to Europe was sufficient to pay for what it chose to buy. These imports were necessary to a cultured standard of living, but to a much smaller extent to the

maintenance of life during a period of strain ; a farmer in such circumstances needed not to tighten his belt, though he might have had to go without a belt. The South had an immense reserve of resistance accumulated by merely not spending ; but, on the other hand, purchase alone, and not ingenuity, could supply it with the arms of war. In a balanced and complicated industrial organization such as that of the North no such simple adjustment was possible. It could change its products, but the breaking of a belt here or a wheel there might throw, not the West, but the whole East out of gear. It was a test, and the greatest up to that time, of strength between an agricultural community and one to a large extent industrialized.

This thought was as familiar to the thinking Southerner as the problem of predestination to a Scotsman, and their opinion was almost as much a matter of creed. They knew the story of how a boycott by American farmers before the Revolution had brought industrial England to terms. They knew how eagerly France had in the Revolution assisted prospective customers to change their markets. Napoleon had indeed failed to bring England to heel by somewhat similar means and Jefferson had failed with his embargo, but the South in 1860 was stronger than the colonies in 1776 and more desirable. In theory, specialization of products was no longer the stigma of colonies ruled by the mercantile system, but the mark of a developing world economy where each locality would do what nature intended and all be united by the interchange of free trade. In practice, the chief item of Southern trade was no longer tobacco, without which the world, however loath, could survive, but cotton, a necessity of existence ; Southern cotton did not, as tobacco had, sell in competition, but enjoyed the greatest monopoly the world had ever seen. By as much as the North was self-supporting, she was uninteresting to the world ; the South controlled the key industry of her day.

It was for this reason that Southerners read the census unappalled. The North could, of course, mechanically block their ports, but the world would unblock them. Nor was it certain that the North could long maintain her blockade if left alone. Cotton was a leading industry of New England as well as of Eng-

land and France. It actually caused Massachusetts and Rhode Island to consider compromise and hesitate at war. Who knew what New England's condition would be when the key that locked the white stream from her busy looms was turned? In his fast-day sermon, November 21, 1860, the Reverend J. H. Elliott of Charleston urged his hearers to soften their hearts toward the North, which was on the verge of commercial revolution and ruin as a result of the law of the South. "Let us thank His good Providence, which has permeated the South with a means of defence as peaceful as it is strong — a product which renders us independent of any single nation simply because it renders all civilized communities dependent upon us. Wielding such a power, if we but wield it wisely, we may achieve a victory both bloodless and complete." The importance of cotton as a factor in undermining the pretentious façade of Northern strength and in bringing assistance to the South, should the North prove more enduring than was believed, was yet to be tested; and he would have been rash, who would have expressed in 1860 an opinion as to whether cotton or statistics was the greater illusion. As Calhoun had indicated to John Quincy Adams in a conversation forty years before, diplomacy was the first line of Southern defence.

Figures of national wealth are generally deceptive and always require analysis. Undoubtedly, the Southerners took undue satisfaction in those of the census of 1850. To count a value for slaves and none for the laboring population of the North was to court disillusionment. Yet one could borrow on slave property, and the North was foolishly proud of its hay crop which was merely compensation for a climate that made preparation of winter forage a drastic necessity. The question of chief importance in 1861 was to what extent the basic wealth of the sections could be made fluid for the purposes of war.

At the moment, the financial position of the South was steadier. Her banks had better survived the panic of 1857, and the private bankers who handled a large share of her transactions stood high for integrity. The spirit of speculation did not run so wild, and budgeting was more general. On the other hand, the division of



the country threatened the demoralization of Southern credit. Her financial centres were New York, Baltimore, Cincinnati, Louisville, and New Orleans, of which four were outside her boundaries. Charleston was independent but hardly strong enough to take over the work of New York and Baltimore. Yet the Confederacy reaped more advantage from the established good reputation of her people. As had always been true, much of the mercantile business of the South was done on long-term credit, chiefly through New York. No reasonably exact statement can be made of the amount of such indebtedness, but it was roughly estimated at three hundred million dollars. The South had the goods, but payment would naturally not be made in war time. These debts, undoubtedly, had much to do with the anti-war sentiment of New York City, and creditors had long memories, which continued to be a factor in Northern politics, as the British debts of 1776 had affected the Anglo-American relations for twenty years. Meanwhile the debts were taken over in most instances by the states where the debtors resided and became an element in public finance. Apart from this floating debt were the long-term bonds issued by Virginia and other states to pay for internal improvements. These were widely held, and a considerable proportion were in the hands of public trusts. In Wisconsin, for instance, much of the state bank reserve was so invested, and upon the news of Virginia's secession the paper worth of her citizens melted to nothing. It was also of advantage to Albert Pike in his negotiations with the Indians that practically all their tribal funds were represented by the bonds of Southern states. In cases where such bonds were held by enemies the Confederate government expropriated them. Southern bonds held in England were hostages to offset those of Northern railroads in influencing English opinion.

The North was thus put at an immediate disadvantage, and there was a wide realization that this might prove permanent and would certainly call for a rapid remapping of the routes of commerce. Not all the Southern debts due in New York were for Northern products, but a large proportion were for goods imported from Europe for which New York still owed. The North

was accustomed to large profits from agency and transport work for the South. Northern goods sent South were to a great extent paid for in European imports which, in turn, were paid for in Southern cotton. The fact that New York was supplanting London as a financial centre for foreign exchanges, as Nicholas Biddle had striven to make Philadelphia, did not change the fundamental economic facts. That North and South had been politically part of one nation had disguised a condition which separation at once revealed. The old triangle still existed. The North did not export enough to Europe to pay for what it bought ; it met the difference by its services to the South. Others seemed more willing to do these services for the South than to accept the discarded services which the North had to offer.

Whether this loss of market would prove fatal to the North, or whether her self-sufficiency would be able to write off the loss, or luck and her ingenuity might render it nugatory, was in 1861 in balance. What Northern services the South could do without or find substitutes for was less a problem. It is significant that neither government made any considerable attempt to secure foreign credit. The total amount obtained during the war was less than that received by the colonies during the Revolution and had more bearing on diplomacy than on the military situation. The South reverted chiefly to sophisticated barter, the North supplied herself. The adequacy of both processes would be affected by many circumstances.

While the South relied upon diplomacy to keep open her paths of commerce, and perhaps for even more direct assistance, diplomacy must have the assistance of military power, and in this power the South was clearly unequal to the North. Although her population was almost half that of the North, she had only a little over a quarter of the man-power of the North. Of white males, between fifteen and forty years of age, the North had approximately four million and seventy thousand, the South, one million, one hundred and forty thousand. In this estimate the South is credited with three quarters of the fighting man-power of the old state of Virginia and with one quarter of that from Maryland, Kentucky, and Missouri. The West is not included,

although it contributed to both sides, chiefly to the North. In fact, this startling difference was in some degree due to the large immigration of the late 'forties and 'fifties, which had gone for the most part to the North, and in which males of fighting age were proportionately more numerous than among a settled population. This difference was due mainly, however, to the number of Southern negroes. Slave and free they constituted 3,653,872 of the Southern population. There remained, indeed, in the North 429,401 slaves and many free negroes, but these cannot be counted out of the ranks; whereas in the South, although Jefferson Davis in November 1864 recommended their enlistment, no action to use them in the line was taken during the war. To the difference in potentiality of white males must be added these thousands of Northern negroes.

Of course, the three and a half million negroes of the South were not without their military weight. Doing, as they did, so large a proportion of the manual labor, they gave the South the tragic possibility of sending a higher proportion of her sons to battle. Again, although it was not until December 1863 that the Confederate Congress authorized the employment of negroes as messengers, nurses, and cooks, many of them, from the beginning, had performed auxiliary military functions as body servants and attendants. These values, however, diminished or were offset as the war went on and Northern forces penetrated the Southern territory. Thousands of negroes began to go to Fortress Monroe as refugees as early as June 1861; and, after the capture of Port Royal and Fort Pulaski, other thousands fled the plantations of the South Carolina and Georgia coast. Grant's invasion of central Tennessee early in 1862 brought great swarms who were a burden to him but a loss to the economy of the South. As Union armies pierced down and up the Mississippi, literally hundreds of thousands came under Northern control, either *in situ* on captured plantations or as refugees. A careful balancing of vague figures, themselves but estimates, seems to indicate that somewhat over ten per cent. of the negro population of the South was dislocated during the war. Yet as over sixty thousand of these were followers of Sherman in his march in the late autumn

of 1864, it seems plain that the disorganization of the Southern labor system was progressive and averaged less than might have been expected ; it was in fact less than in the Union territory of Maryland, Kentucky, and Missouri. In spite of negro regiments and emancipation the negro must be considered as one item in Southern strength, though hardly in the constitutional proportion of five to three.

The white males of both sections cannot be considered as military-minded, but they were good fighting material. Conscientious objectors were mostly confined to the small and respected body of Quakers and were generally used in some auxiliary service. Americans always had fought, and generally expected to fight, at least one war in a generation. They thought to fight it chiefly on the basis of natural aptitude rather than preparation. The military system of the United States included a navy to fly the flag about the world, a rather well-planned coast defence, and a regular army sufficient to fight Indians at heroic odds, but hardly adequate to keep the coast guns clean. Back of this was the militia, a term with many legal meanings. Basically, it embodied the old Teutonic idea of the service of all males between sixteen and sixty years of age, while detailed laws made exemptions, as of Quakers. In some states the militia was enrolled, and fees were scattered widely to make the lists. In New York the paper system was extraordinarily elaborate, with county regiments and brigades and divisions whose officers on the governor's staff wore elaborate uniforms. This militia, however, had become since colonial times almost everywhere a matter of paper only, though important as constituting the legal link for universal military obligation. Numbers of this militia, however, could and did form "voluntary" companies which, on the adoption of certain regulations and the undertaking of certain unsupervised promises to drill, received from their state government arms furnished to the state by the national government under the militia act of 1793.

A visitor to the United States in 1856 or 1857 might have concluded that the Americans were indeed military in spirit and might have predicted a conflict. Everywhere were volunteer

companies, which created much public interest. The *Army and Navy Journal* boasted of a million and a half so organized. Company picnics and regimental balls were bright spots of social interest, and Ellsworth's Zouaves travelled the country challenging local companies to drills as elaborate as the acrobatics of the contemporary circuses. Such a demonstration on the eve of a war so serious might well seem an omen, but the evidence is plain that it was the result of fashionable imitation rather than a spontaneous product of democratic anxiety. Quite direct are the links that bind it up with the Crimean War enthusiasm of France and England; its tone was that of a sport rather than of grim preparedness, and most of its mushroom companies had vanished by 1860, leaving to Northerners and Southerners little but a knowledge of some military terms.

In fact, the militia had never fought a war. When emergency arose, as in 1775, 1798, 1812, 1846, and now in 1861, and again in 1898 and 1917, a new organization was called into being, an army of volunteers. The members of such bodies, of course, belonged to the enrolled militia and some to the volunteer militia; some were seasoned militia regiments, such as the Louisiana Tigers, the Seventh New York, and the Sixth Massachusetts, with here and there military companies transferred as organized units from the one service to the other, but in the main, previous organization was lost to sight and the individuals reassembled. Both North and South would fight with armies created for the purpose.

In his message of July 4, 1861, Lincoln said: "So large an army as the Government has now on foot was never before known without a soldier in it but who had taken his place there of his own free choice. But more than this, there are many single regiments whose members, one and another, possess full practical knowledge of all the arts, sciences, professions, and whatever else, whether useful or elegant, is known in the world; and there is scarcely one from which there could not be selected a President, a Cabinet, a Congress, and perhaps a court, abundantly competent to administer the Government itself. Nor do I say this is not true also in the army of our late friends, now adversaries in this con-

test." While this high estimate of the individual quality of the armies may be accepted in moderation, there is a general impression that as fighting forces those of the South were superior, especially in their quicker readiness for the field. In general, this is attributed to the aristocratic system of the South and a greater familiarity with guns and horsemanship. This impression calls for examination.

It would, of course, be absurd to say that Northern farm boys were not as accustomed to guns and horses as most Southerners, yet the hard-riding and hunting gentry of the South undoubtedly had a more varied capacity, and Southern cavalry possessed an advantage which it maintained until lost by inability to obtain good mounts. The more important Southern superiority, however, was in the earlier bringing of large bodies of men to work together. Jackson's corps was the first force of any size — almost twenty thousand — to be an efficient unit, constituting early in 1862 a single weapon. Lee in 1863, moreover, had the first full army that could be considered on a par with the organized armies of history. This, however, cannot be attributed to an aristocratic system. The Southern aristocrats were not leading feudal retainers or tenants but independent men over whom they had possessed no economic or traditional hold. Nor can their followers be regarded as of a dependent type easy to whip into shape. Rather, they possessed more than most Northerners a touchy sense of independence.

Two factors seem to have been chiefly responsible for the quicker welding of the Southern machine. One was the habit of command and the sense of responsibility which their position had given the Southern aristocrats; the other was, not the system of slavery itself, which did not furnish its own rank and file, but the spirit and the manner engendered by that system. Officers born and bred were fewer in the North, particularly in the West, and they encountered not only personal independence but especially a keen sense of equality. Diaries of soldiers are filled with criticisms of their officers, high and low, of their intelligence, their manners, and particularly their morals. One regiment on first

sleeping in the open was disturbed that their officers rolled themselves up a few paces out of line. Many as were the exceptions, this spirit delayed the development of Northern discipline.

In both armies desertion was common ; the ordinary amount from ordinary causes, some from political dissatisfaction, but an excessive amount resulting from the old frontier practice of exercising individual judgment as to the immediate need for service and the relative calls of home and army. This independence, however, had its strength. The fierce ragged charges of Southerners, shouting the rebel yell, had an intensity multiplied by each separate soldier engaged. Battles did not destroy armies. The routed vanished as causes offered, and reassembled as instinct drew them. Europeans read of great victories and grew skeptical as great results failed to follow. In the towns unprejudiced harlots awaited the troops of both sides, and about the winter camps sprang up romances generally to wither with tragedy ; but, on the whole, both armies were exceptionally clean. Among the Northern troops total abstinence was more common than drunkenness, among Southerners there was somewhat less of each. Good nature was a characteristic, and hatred was rarely personal ; damned Yankees and rebels swapped coffee and tobacco in the long intervals between fighting and sang each other's songs. Few questioned the world order which had sent them out to fight ; their uniforms, their letters, and their memories were treasured throughout their lives.

Between the two opposing forces the division of the military equipment possessed by the United States government in 1860 was a matter of hot dispute and has continued to excite much controversy. The impression that the South got more than her share can possibly be traced to the assumption of the North that for the South to take any of the equipment of the Union was theft, and that for a soldier who had pledged allegiance to the Union and had fought against it was perjury. The moral question here was one of constitutional interpretation. To most Southerners the states alone, being sovereign, had the right to expropriate what they found within their limits ; officers had sworn loyalty to the government as representing a relationship which they held to have

been dissolved by secession. In equity all United States property had been bought at the common expense of the people of all the states. Where officials with foreknowledge of events used their position to favor those antagonistic to the Union, breach of faith was obvious. This was appreciated by most Southerners, and instances of it were few. Perhaps the most conspicuous breach of faith was when the secretary of war, John B. Floyd, ordered South 110 columbiads to Southern forts not ready to receive them. The execution of the order was prevented by the populace of Pittsburgh, where the guns had been manufactured.

The net result was that the South received much less than the North held, probably barely her proportion. The physical navy remained with the Union, though most Southern-born officers went with their states. The Southern states, as a result of their greater interest, had somewhat more than their proportion of federal small arms. The greatest national asset that the South secured was the system of coast defence, but from this must be subtracted Fortress Monroe in Virginia, Key West, and Fort Pickens at Pensacola. The value of the coast forts, moreover, was seriously affected by the fact that the rank and file of the regular United States army remained surprisingly loyal. Guns without gunners are of little value, and early in the war battle ships, running almost scatheless, were able, as at Port Royal, to reduce forts of the strongest masonry. Indeed, it was not until Beauregard, appointed to the defence of Charleston in 1861, spent one third of his ammunition in target practice that the Southern coast began to resist attack.

Of all that had been prepared for war, however, the most important asset proved to be the knowledge and experience of trained officers. Throughout the war and ever afterwards the value of the West Pointer has been disputed. The looming fact that emerges from the controversy is that in spite of the opportunities offered to civilians, particularly in the North, every single first-class military reputation of the war was made by West Point graduates. Military authorities are loath to admit that the studies it offered, so inadequate by modern standards, can account for this excellence. It must be remembered that those officers of an



age to assume chief responsibility in the Civil War had followed their course at the Academy by post-graduate work in the Mexican War, most of them under the tutelage of General Scott, whose fussy vanity and political aspirations must not be allowed to obscure his remarkable military intelligence and knowledge.

The fact that both sides were directed by graduates of the same school, who knew each other's abilities and idiosyncrasies, gave to it a distinctive character and to Lee the opportunity of exercising the greatest psychological power among military commanders. Of these trained leaders the South took with her less than her due share. Appointment to West Point was according to state representation as, roughly, were its graduates. Some Southerners, as George Thomas, remained loyal to the Union, but no graduate from the North joined the ranks of the South. Judging by their action, the showing was less unequal in ability than in representation, if not to the advantage of the South. This was no unnatural consequence of the fact that the military profession stood higher in the South. Southern boys of good family expected to become masters of plantations and also to engage in public service. In their minds the army, the navy, and the bar were equal in importance as professions, with the ministry a calling of more questionable importance. Southern states supported military institutes, as that of Virginia at which Jackson taught, and Louisiana which was employing Sherman. Few Northern boys possessed such an asset as a plantation, and they looked forward to more varied careers, with business standing high. The fact that in 1861 Grant and even McClellan were out of the army trying for fortunes in business, while Lee, Joseph Johnston, and Albert Sidney Johnston were still in service, illustrates the difference and indicates a situation which resulted in the South's finding a greater percentage of her genius trained for war than was true of the North.

It is plain, however, that whatever its initial advantage, the South was in time bound to succumb in a purely military conflict, if waged with equal intensity by both sides. The question of relative intensity was one that did not escape attention. The North started the war in the belief that the Southern majority had

been dragooned by its militant leaders, and that belief was one of the bases of its policy. The South counted on a weakening of the Northern spirit. Her leaders had been led by such Northern advisers as ex-President Pierce to expect riots in Northern cities coincident with war. The failure of riots to materialize did not vitiate the more fundamental consideration that the North was fighting for a lesser stake. At any time in the contest the North could have peace with independence and without bonds, whereas to the South defeat meant alien government to such an extent as the loose construction of the North might choose to find powers in the national government. How long would the free people of the North fight to retain an unwilling population with which they could make good terms for the mere grant of separation? The third line of Southern defence was Northern politics. It was in the light of this and of diplomacy that relative military resources were to be considered.

The handling of their forces was in the hands of governments more remarkable for their similarities than for their differences. The permanent Confederate Constitution, which was adopted by the Provisional Congress March 4, 1861, and which went into effect February 18, 1862, was modeled on that of the United States. It included some minor changes resulting from experience, as a six-year term for the president without re-eligibility, the powers of the president to veto items of appropriation bills, and the restriction of the power of Congress to appropriate money not called for by the executive, except by a two-thirds vote. Old controversies were settled by the prohibition of bounties and internal improvements and by the permission to lay export duties by a two-thirds majority, and to acquire and govern new territory. A provision allowing Congress to give a seat on the floor to the heads of departments has been much commented on as looking toward the English parliamentary system. As a matter of fact, it represented a defeat of such a system as was earnestly desired by such men as Stephens and Toombs. This small concession, which left those heads still responsible to the executive and the balance of powers unimpaired, was all they were able to wring from a public as devoted to the old Constitution as were

the Northerners, though Northerners and Southerners read it differently.

Ambiguity was avoided in the new preamble: "We, the people of the Confederate States, each state acting in its sovereign and independent character . . . do ordain and establish this Constitution for the Confederate States of America." The newer school of Southern writers on the Civil War are inclined to place the blame for final failure upon one or another item of mismanagement. Most, as did Pollard of his own day, lay the onus upon Davis. Professor Owsley, than whom no one is better entitled to speak, places it upon the factor of state rights, not, of course, upon this clause of the Constitution alone, but upon the inheritance of Jefferson's strict construction and Calhoun's state sovereignty. To realize that state rights must be temporarily abandoned in a war to defend those rights, required a mental grasp that one could not expect to be universal. Owsley's indictment rests heavily upon Stephens and Toombs, and upon Governors Brown of Georgia and Vance of North Carolina, and his evidence leaves few of those representing the sovereignty of their states free of responsibility, including even Governor Pickens of South Carolina. The most serious charge is that, by withholding from the Confederacy in 1861 the arms which the states had in abundance, enlistment was checked to the extent of two hundred thousand men. It is interesting to note that during the same months the Northern states were offering regiments to the Union, which the national government rejected, thereby incurring a like condemnation for dulling the first fine edge of enthusiasm.

Concentration of resources for war in the face of a spirit of local independence was no new problem. It was a difficulty with which kings of the feudal period were thoroughly familiar and which had characterized all wars in America. It was the despair of colonial administrators, it almost wrecked the Revolution, and it made Madison's path rough in the War of 1812. It had yielded somewhat to such leadership as that of Pitt and Washington, and leadership was still a factor in 1860. Lincoln did not escape the problem, for Northern states were not docile de-

partmental divisions, and when they were headed by such men as John A. Andrew, they threatened the formulation of national policies as well as their execution. Wisconsin, before the war, had given evidence of a state determination that equalled that of South Carolina. Still, Lincoln's difficulties were less than those of Davis. The division of the country had of course concentrated particularism on the one side and nationalism on the other. Where Lincoln had to deal with appeals, Davis faced threats, many of them carried out; and while after the first year the power of the Union government was generally accepted, though with protest, the Southern states grew pertinaciously resistant.

Southern state legislatures, indeed, scarcely sabotaged the central government as did some of those of the North after the election of 1862, but Lincoln certainly had more sympathetic co-operation from the governors, who were in a position to do more than the law-making bodies. If, from the administration point of view, Andrew of Massachusetts was a wasp, and Lyman of New York a slug, Brown of Georgia was a bull in a pasture, and Vance of North Carolina a mule in the intense pursuit of his own purposes.

Owsley shows how the Southern state governments continuously, and with some success, hampered the Confederate control of man-power, how they injuriously competed for the management of the vital foreign trade, and how they interfered with and finally secured the repeal of the system of improvement of war supplies at fixed prices. Chief in controversy was the matter of the suspension of the writ of *habeas corpus* and the declaration of martial law. These were particularly necessary in an invaded country, as when the constitutional government of Arkansas practically dissolved. Davis did not venture to take either step without power voted by Congress, and such votes were given reluctantly and in partial form. Of course, such powers as control of foreign trade and impressment of goods were not considered in the North, and Davis did wield powers not undertaken by Lincoln, but this was because of greater economic pressure in the South. One Southern element of cohesion existed: when Governor Brown tentatively suggested separate terms for his

state, the suggestion proved repulsive to honor among gentlemen. One must conclude that state-rights sentiment was more a detriment to the South than to the North, although in making it the chief cause for the South's failure Professor Owsley overlooks its effect on the federal administration.

The state governments, North and South, however, must be considered from another point of view. They were the governments with which the people were actually familiar. Except for the post and the partial administration of justice, the national government had had few contacts with the people, except on the coasts and the frontiers; it was simple and understandable. People felt confidence in the state administrations because they were intimate with them. How great was this familiarity can scarcely be appreciated without the reading of thousands of letters, unorthodox in grammar and spelling, but on the whole in a better penmanship than today, which poured in on the people's governors. Letters with the aspirations of youths and maidens, the schemes of grafters, the visions of old men, the plans of cranks, the complaints of widows seeking aid and advice — letters which, taken together, reveal the mind of the nation and express a democracy genuine and fully conscious that government was of, by, and for the people.

State governments were growing conscious; the war services of both governments for the assemblage of troops and the raising of taxes must be created. Military critics have regretted that the North did not adopt the plan of Chase for the raising of regiments by Congressional districts. Such plans on paper seem most promising, but the time could not be taken to bring such machinery into being. For the starting of the war the state governments were essential because they were operating, and without them delay would have been greater than it was. The states bridged the interval during which the Confederacy was being organized, and while the government at Washington was developing its new services. Nor can one quite ignore the continual activity of these efficient organisms, even where they had been partially supplanted. It may be doubted whether the Confederacy could have accomplished so much in the way of effective development

of local resources as did those contentious governors Brown and Vance — Brown in promoting manufactures, as at Atlanta, and Vance in watching after the welfare of North Carolina troops.

The central administration of the Confederacy ran more smoothly than that of the Union. Davis was less bothered than Lincoln by politics. Beginning his six-year term under the permanent constitution in February 1862, he could not be re-elected, but could expect the war to end under his direction. His policy was daily attacked by Pollard in the Richmond *Enquirer*, but party divisions actually did not exist. In 1864 he was confronted by a peace-at-any-price candidate, William W. Holden, running for the governorship of North Carolina, as Lincoln had been confronted by Vallandigham the year before in Ohio; but Holden, as was Vallandigham, was overwhelmingly defeated. Controversy abounded only on minor points. Davis's political policy was simplified by the attitude of the North; the issue was that of war or surrender.

In the Confederacy, government was centralized in the executive much more than at Washington. Davis was a hard, regular worker, and business passed under his hand to such an extent that responsibility for nearly all actions rests at his door. Like Woodrow Wilson, he seems to have found it difficult to work with men of the first ability. Toombs and R. M. T. Hunter did not stay long in the cabinet; those who did were men of talent rather than genius. Memminger, the secretary of the treasury, was not the intellectual equal of Chase, nor was his policy as bold or as consistent. His successor, George A. Trenholme, was much abler than Chase but was in office too short a time to carry out a comprehensive plan. Southern finance, indeed, is a story interesting to the student of financial experiments alone. From the point of view of the war it is chiefly important to remark that it secured from the South a contribution in proportion to apparent wealth almost double that exacted from the North. Had the South won the war, financial ruin would probably have stared her in the face. Exceptions to this general estimate of the cabinet must be made in the case of Judah P. Benjamin, successively attorney-general, secretary of war, and secretary of state. His

mind was tested after the war in the drastic competition of the English bar, and from it he emerged at the top. No one could question his high ability but, without a mutual correspondence to afford a basis of debate among historians, it is difficult to assess his statesmanship, for he was merged with Davis in a co-operation which leaves as many questions unanswered as does the relationship between Wilson and Colonel House. He and Davis are eternally conjoined, though there seems to be no reason to suppose that Davis had not the capacity and the personality to assume the leadership for which his position gave him opportunity.

Davis certainly ranks well with the list of men who have been American presidents. He had in marked degree those qualities of integrity, seriousness, and devotion to duty which the Americans desire in that office. His personality had about it the austerity generally associated with New England, but it was graced with some Southern charm of manner, and tales of his relationship to his Mississippi slaves reveal an appealing humanity. His marriage with the daughter of General Taylor might seem to indicate luck as a factor in his career, but it would appear to have been rather a result of his qualities than a cause of his fortunes. Like the majority of Northern leaders of the Revolution, he had made his own plantation, and when he went into politics he rose to leadership by the respect that he excited. His intellect reveals itself as high as those other qualities which Americans deem more important in a chief magistrate. He was every inch a president.

John Winthrop remarked that magistracy is not a craft for which one can vouch his skill or be held responsible; one's commitment is for the faithful attempt to do his best. Criticisms of Davis must be more an estimate of his success than a reflection upon the man. That most common is probably the most unjust — that Davis undertook too personal a control of the operations of the war. Whether his decisions were wise or unwise, and the question of the degree to which a civil magistrate should interfere with the commander of his armies, are proper matters for those who wish to learn from the examples of history. That Davis was doing his duty as he saw it cannot be doubted, and



Lincoln in 1860

This photograph is "not mentioned by Meserve"

From an original in the Library of Congress





there is reason to believe that if he exceeded his functions his excuse was not a slight one. Civil magistrate as he was, he was also a trained and experienced military officer, regarded as of great promise ; nor is it improbable that this was in the minds of those who chose him president and subsequently moved the capital to Richmond just behind the battle line. It was no time for modesty, and total abstinence from military interference might have been as justly condemned as too great activity.

Exoneration of the man does not, however, carry endorsement of his actions. It is already evident that, measured against Lincoln, Davis was weaker in the enduring virtue of patience. Keenly sensitive and ardent, he could not wait, and lost what there was of the advantage of being fired at ; and he gave occasion for the perhaps inevitable toppling of Kentucky's neutrality. Nor was there lack of evidence of an impatience that ran at times to bad temper. The most specific charge against him, however, is one of favoritism. In some degree all executives must incur it, but its basis is sounder in the case of Davis than is often true. No one can doubt that Joseph E. Johnston, whom Davis employed as little as possible, was an abler general than Braxton Bragg, whom he retained in spite of obvious fiascos. With less agreement it is, nevertheless, arguable that the exuberance of Beauregard was an offence to Davis and led to the hampering, rather than the harmonizing, of Beauregard's genius. The appointment of Hood to succeed Johnston at Atlanta is almost universally regarded as an error. There can be no doubt that Davis's personal judgments were at times unfortunate, but there is no possibility of proof that they were based on other than his opinion as to fitness.

Lincoln was an executive but not an administrator. His whole genius was for concentration, and he carried it over to his new office. When he found men whom he could trust, with relief he left them to their work. His own time was spent more in personal intercourse and in meditation than at a desk, and rather than his own office he frequented the offices of others, wandering about and appearing unexpectedly where etiquette and routine would have excluded him. His cabinet was abler than that of Davis, and some of its members could be trusted. Lincoln,

knowing Chase and nothing of finance, left him a free hand ; and he left the direction of the navy to Welles and his accomplished assistant secretary, G. V. Fox. Nevertheless, he saw the whole machine operating ; he put his hand in one way or another on weak spots, and he did not refrain from consulting any who seemed to him worthy, regardless of official position. Recognizing Seward's general competence, he realized also his occasional irresponsibility, and even after bringing him to book on April 6, 1861, continued quietly to read and amend his despatches and to bolster up his own judgment on foreign affairs by consultation with Charles Sumner.

On the conduct of the war he had many ideas which he freely discussed with those in authority ; and he maintained a personal relationship with his leading generals, but did not impose his thoughts, though sometimes he abandoned them with reluctance. It was in the war department that the chief weakness in his cabinet appeared — the appointment of Simon Cameron who, as secretary, did not add to the grafting instincts of a politician the ability that might have proved a compensation. This vital defect, Lincoln dealt with by amputation anesthetized by the honorific appointment as minister to Russia. The replacement was remarkable. Lincoln's greatest legal opportunity had been in his selection as assistant in a McCormick reaper case tried at Cincinnati in 1855. Here the senior counsel, Edwin M. Stanton, had, with a lack of even the merest courtesy of the bar, ignored him. Nevertheless, Lincoln treasured a memory of unusual ability which seems to have been enhanced by Stanton's open attacks upon the conduct of his administration. On the estimate of his power Lincoln chose this unrepentant Democrat and former member of Buchanan's administration to replace Cameron, and so won the greatest administrative genius of the war.

Stanton added to a mind of unusual grasp and striking originality a personality uniquely powerful. Casuistical to an exceptional degree, he was able to play for years a double game which still astonishes the observer. His contempt for Lincoln, however, changed to admiration and respect. Temperamental as a prima donna, he visibly trembled when the *Virginia* (the *Merrimac*) be-

gan to destroy the fleet at Newport News, and at the same time he was the boldest of his generals. He awed strong men. When Congress in an unusual moment of comprehension gave the government control of the Northern railroads, he summoned their executives to Washington, announced his terms, and left them in full control of their roads, docilely carrying out his orders. He took the advantages of special contracts rather than bidding in supplying the army without the usual accompaniment of graft. Erratic, hating and loving, loved and hated, often wrong, more often right, giving and exerting the last ounce of strength, he, though often dissolved in tears, swung the forces of the nation as one man.

When one reviews the powers of the North in its mechanical strength and potentialities, its man-power, its equipment, and those of the South in its inaccessibility, its fighting edge, and its international desirability, and considers also those things that were in doubt, as the determination of the Northern people and the balanced efficiency of the two governments, no one can say that to the contemporary mind the result was a foregone conclusion. It may be that complete intelligence and knowledge might today declare the result inevitable, but to the mortal mind there would seem to have been sufficient balance to render conduct and decisions significant in the final determination.

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## CHAPTER VII

### DIPLOMACY

THE WAR was to be fought before an audience of nations whose interest was far from being curiosity alone. War is contagious, and since the days of Columbus few wars had failed to cross the ocean; as Voltaire had said, a torch lighted in the forests of America had, in 1756, put all Europe in conflagration. Even without participation, it is human to take sides in any contest from contract to international politics. All who read had their sympathies, though they were far from being united in opinion. In Italy, where there were aspirations for national unity, feeling was generally for the North. Since nearly all the hundreds of thousands of recent German emigrants were living in the North, the same sentiment, aided by personal ties, animated Germany. Russia, as always, was favorable to the Union.

Diplomatically, however, the powers that counted were those of the West, Great Britain and France, bordering on the Atlantic, with strong navies and with some of their trade at stake. In addition to their greater natural interest was the fact that they had just emerged triumphant from the Crimean War, a struggle of East and West. For the moment the dominance of Europe was at rest. It would have been natural for the student of international affairs to expect now a contest of strength between the two victors — France and Great Britain, the traditional enemies. They remained, however, united by an *entente* which had a strength arising from the weakness of the régime of Napoleon III. His popularity at home was in question, and he was in no position to bring the rest of Europe upon his unprotected back. It was one of the understandings of this *entente* that the affairs of the United States fell within the sphere of British influence. The situation was thus rendered relatively simple. The Confederacy was less fortunate than were the colonies in 1776, when they had found the European balance poised and when merely a slight change of

circumstances was necessary to bring France to their aid as an ally against England.

The question of what attitude Great Britain would assume, however, was not simple or plain, even for her own public men to read. There, more than in any country, public opinion was alert to follow and control the details of foreign policy, and such opinion was a complex of more points of view and interests. It is this intricate force working on so responsive an organ as the British government, which gives fascination to any study which involves British diplomacy, and new light may be brought to bear upon it almost indefinitely. In general, the British had hoped for the preservation of the Union. When, however, a division took place, the larger part of that which was articulate, led by the *Times* and reinforced by *Punch*, perhaps at that time the most powerful combination of papers that ever existed, expressed itself in favor of the South.

Various considerations induced this quick sympathy. In general, Americans were and had been disliked, but to those who used American as a scornful epithet, Southerners seemed least American. Britain was still predominantly an aristocratic country, and those who expressed its mind found the planters of the South more congenial than Northerners. The full vials of dissatisfaction with the nation were therefore poured upon that portion of it which still professed to be the whole. Losses by false representations, by financial irregularities, by repudiation, for which one finds so much disgust in the writings of Dickens and Thackeray, were lumped as charges against the Union. It was not without pleasure, too, that the majority saw the American experiment, so blatantly boasted and rousing a nervous doubt in their realistic minds, "coming the cropper" that they had so often predicted. In 1863 the historian, Freeman, brought out his *History of Federal Government from the Foundation of the Achaean League to the Disruption of the United States*. Those politically minded knew that the United States was increasingly difficult to deal with diplomatically, and that its growing strength rendered problems of the American continents precarious of settlement. America had interfered with British dreams of influence in Texas

and California, and for the last ten years rasping persistency had threatened actual British interests in Central America. Every Englishman of any importance could translate the dictum *Divide et impera* and appreciated that if the United States divided, the two parts might be turned against each other and the whole neutralized. Nor did doubts, which some might still cherish as to their own policy of free trade, blind any to the disadvantages Great Britain would suffer from the new Northern policy of protection.

Such considerations appealed most simply to the party in opposition, Tories of both old and new schools, who, in addition, were no more blind than Lincoln to the implications of the struggle for democracy. Those in power, the Whigs, led by the Prime Minister, Lord Palmerston, and incipient Liberals, headed by the foreign minister Lord John Russell, who became Earl Russell in 1861, and Gladstone, Chancellor of the Exchequer, were more divided. The old Whigs had been brought up in the tradition that the American Revolution had been a mistake of their Tory opponents, and many had come to regard George Washington as an English country gentleman who fought for the rights of Englishmen; but by analogy was not Jefferson Davis such a gentleman fighting for the same rights? In the liberal wing of the party were such men as John Bright, Richard Cobden, W. E. Forster, and the Duke of Argyll, who had personal associations and kept up correspondence with American liberals of New England, such as Charles Sumner and John Lathrop Motley. To them the radicals of the North looked for sympathy and aid. They were strongly anti-slavery, and in opposing that institution they appealed to their widest constituency at home, for since Britain had in 1807 abandoned the slave trade and in 1833 emancipated the slaves of her West Indian colonies, it had been an axiom of national policy to seek its extinction everywhere as fast as opportunity was afforded. To the observers at a distance of three thousand miles, however, the difference between the Confederacy, with its three million slaves, and the Union, pledged to protect as property its half million slaves, was indeterminate. Puzzled by the ambiguous situation in the United States, the English

liberals were more influenced by their sympathy with ebullient nationalism, and Davis to them was a Garibaldi facing a Franz Joseph. Many of them were "Little Englanders," expecting their colonies to drop away when ripe, and their horror was not at separation but at coercion to a unity maintained by force.

In facing this situation it was the purpose of the North to keep other nations neutral and of the South to bring about interference in its own behalf ; in diplomacy the South must be the aggressor. From neither side did there emerge a champion equal to American tradition. Seward was watched over most competently and successfully by Lincoln ; but, however marked his defects, his ability should not be too much overshadowed by the president. While without the bearing that is a necessary part of the equipment of a diplomat of the first class, he was abundantly gifted. His swiftly changing emotions were always sincere ; his mind was inexhaustively fertile, his personality winning, and his vision and wisdom above that of most public men of his generation. He could learn, and while at the beginning he was active chiefly in offsetting his mistakes, nevertheless, by the middle of the war he had acquired the poise and technique of an expert diplomatist. He had the advantage that he could practise his diplomacy at home and was fortunate in the presence at Washington of Lord Lyons, the friendly and competent minister for Great Britain. His staff abroad was new and inexperienced. Perhaps the best was John Bigelow, consul-general at Paris. The two most important posts, the ministries at London and Paris, might seem to have been given as consolation prizes to defeated vice-presidential candidates — Charles Francis Adams, Free-soil candidate in 1848, and W. L. Dayton, Frémont's running-mate in 1856. Dayton did nothing to suggest other reasons for selection, but Adams was of different calibre. He had become, indeed, almost the type of diplomatic excellence, and such an estimate may be justified by a comparison of his despatches with the ordinary conception of a diplomat's duties. As an intermediary between governments, his conduct was letter perfect ; but as a representative of one people to another, many lesser men have proved more effective. He possessed the well-known Adams character and mentality in full



degree, though with less force than some of his ancestors and descendants. New blood strains and ease of life had not destroyed the family pugnacity, but there was apparent in him some of that contempt for life and aloofness from conflict which became so much an obsession in his son Henry. When English society went Confederate he was not bowled over, but he shut his doors and so not only did not influence sentiment but was unable to inform his government what the sentiment was. At a moment when the tense situation was approaching a crisis he wrote to his government at Washington that the danger was for the time past.

Davis was his own policy-molder, but in the absence of foreign legations at Richmond he was more dependent than Seward upon his foreign representatives. He had no experience to draw from, and his major appointments were defensible. His first were, indeed, unfortunate. He sent as a general commission to arouse European support, William L. Yancey, Pierre A. Rost, and A. Dudley Mann. The last had had a varied diplomatic experience and possessed some address, but Yancey was inevitably the soul of any body of which he was a member. Essentially he was too provincial for his task, and was recalled from a position for which he was not fitted. Late in 1862 a more permanent arrangement was made by the sending of James M. Mason to Great Britain and John Slidell to France. Both had been ministers — Mason to France, Slidell to Mexico — and were proper and respectable appointments for any government to make. Slidell may be said to have succeeded completely. He won the unwilling ear of Napoleon and brought him to whatever position he desired, except that of acting without Great Britain. This obstacle, which Franklin had encountered when Louis XIV feared to move without Spain, he failed to overcome as Franklin had; certainly the obstacles in 1861 to 1865 were greater, perhaps were insurmountable.

The crucial point was London, and Mason was not the equal of Slidell. In ancestral inheritance he was on a par with Adams and resembled him in his correctness. Adams could outmatch him in such a contest and Mason proved to have no more of the supplementary arts of arousing interest and conciliating opinion.

Certainly the second Southerner in ability should have been at the Court of St. James. Had the South possessed a Franklin to send and had they sent him, he might by making all anxious to see him, by talking of the common interests of humanity and perseveringly presenting his ideas of the interests of those to whom he talked, have tipped the tottering balance in favor of the South. One can still think that to have sent Alexander Stephens, accompanied by Trescott, would have been the part of wisdom. As things stood, the Confederacy, if not putting its best foot forward, at least stood respectably before the world.

The first stake in blocking out the international situation was driven by the Lincoln government on April 19, 1861, in proclaiming a blockade of the entire Southern coast. As this was done after a discussion in the cabinet in which Welles strongly opposed it, it cannot have been an inadvertence; yet certainly it was an inconsistency and quite possibly a mistake. That the South was to be blockaded, in the ordinary sense, was open to doubt, but that an international blockade was the instrument best designed to do it is by no means so clear; and it is not impossible that the cabinet, still so unfamiliar with international law, did not fully realize what it was doing. The United States had always maintained in the face of Great Britain that a blockade to be legal must be effective, and it is perfectly plain that the North was not in a position to enforce such a measure in April 1861. This was of course a difficulty that time would mend, and one may believe that the North did surmount it. More glaring was the fact that the Washington government was maintaining, and continued to maintain, that it was dealing with "illegal combinations," with a domestic situation for which it was prepared to assume full responsibility, and with rebels whom it must punish. A blockade is an international measure, a recognition of a state of war, the conduct of which must be regulated by the international laws of war. So the United States Supreme Court decided in the case of the *Amy Warwick*, and such has been the conclusion of every student of international law. The alternative was the closing of the ports, a drastic regulation invoking no foreign supervision but conferring no belligerent rights over foreigners and their vessels.

It may well be that such rights were necessary in the attempt to isolate the South, and it was certainly more proper that hostilities should be conducted under the accepted code of warfare than under a riot act, but the presentation to the world of these two inconsistent positions hardly enhanced the international reputation of the North.

The proclamation of blockade was followed quite naturally, and a little more promptly because of the urging of a friend of the North, William E. Forster, by a proclamation of neutrality by Great Britain on May 13, in which action she was speedily followed by other nations. This action of Great Britain's, and not that of their own government, was taken by the people of the North as giving the Confederacy a status that they denied her, and like a grain of mustard seed it grew into a great tree, casting its shadow over all other relationships between the two countries for many years.

The international law that was thus applied to the contest was not without its uncertainties, for Great Britain and the United States had never seen eye to eye on the subject. In 1856, in the Declaration of Paris, England had bound herself to two of the earlier American conceptions: that a neutral flag should protect the goods beneath its folds and that a blockade to be legal must be effective; that is, that vessels should not be seized and condemned under such a proclamation unless sufficient force was maintained off the port of destination to render entrance really hazardous. That convention also contained a clause which abolished privateering. Amid a welter of interests and compromises, all these provisions taken together were generally regarded as steps in the direction of that enlightenment of which the mid-nineteenth century was so proud. The United States since colonial times had been the chief privateering nation. With the second merchant marine in the world, which many thought would soon be the first, privateers, the militia of the seas, and an inexpensive protection against the professional navy of Great Britain, were highly thought of by Americans. William Marcy, secretary of state under Pierce, caught in the dilemma of resisting progress or surrendering a main weapon of national defence, had

countered with a proposal to accede to the abolition of privateering should the capture of all private property at sea be barred and the predatory powers of professional navies be thus limited. His proposal was rejected, and thus the matter rested when the Civil War began.

At war, both North and South wished the advantages which this Convention of Paris afforded. Seward offered his adhesion *in toto*, and Davis offered that of the Confederacy to the first two clauses, omitting that concerning privateering. Both governments had a perfect right to declare their intentions as to their own conduct, which was what actually happened at the outbreak of the Spanish-American War in 1898. This, however, was not what either the North or the South was aiming at. Seward wished international countenance for his declared intention of treating as pirates the privateers to whom Davis was already giving letters of marque and reprisal. Davis was still more interested in securing international supervision of the Northern blockade, which he knew would be troublesome, but he did not believe that the North could maintain it at a legal standard. Both, therefore, wished recognition of their adhesions.

To expect such recognition in either case was a betrayal of ignorance and of diplomatic ineptitude. Acceptance of Davis's offer must wait upon the more vital question of the recognition of the Confederacy as an independent nation capable of making diplomatic agreements. That of the United States involved a principle more subtle but equally vital. No responsibility rests more heavily upon a neutral than that of maintaining without change throughout a war the rules adopted at the beginning to guide its conduct. Any change must be of advantage to one belligerent or the other, and to shift official attitude is more plainly indicative of favoritism than any careless indifference of execution. It was this point that had made Washington so loath to sign the Jay treaty in 1795 and that had brought on most of our subsequent difficulties with France. It was strongly presented by Wilson in the World War in the matter of armed merchant vessels. In 1861 France and England quite properly welcomed the adherence of the United States to the Declaration of Paris,

but both stated that they could recognize no obligations on their part to change their conduct in the existing war. Angered, Seward withdrew his offer, and Davis threatened to withdraw his. The relations and obligations of Europe to both remained as they would have been had the Declaration of Paris never existed.

Such mutual blundering was more ominous to Seward who wished merely to skate on the surface, than to Davis whose object was to break the ice. Any accident might give him what he wanted, and suddenly at Christmas time, 1861, he expected for a moment to receive the gift. Mason and Slidell had arranged their trip, as was customary, by way of Havana, at which port they took passage on the British packet *Trent* for Southampton. It happened that the adventurous naval explorer, Captain Charles Wilkes, was in harbor with his ship, the *San Jacinto*, which he had brought home for service in the war. What passed through Captain Wilkes's mind will probably never be known, but naval captains who have charge of exploring expeditions among savage peoples must make quick judgments and are not unaccustomed to receive popular applause for them. At any rate he followed and stopped the *Trent*, and took off Mason and Slidell after a formal resistance. The *San Jacinto* sailed for Boston and the *Trent* sailed for Southampton, each ship carrying to its respective nation the first news of the event.

What followed the arrival of both was certainly inexcusable and not easy to understand. That ancient barometer of British national sensitiveness, the eighty-year-old Lord Palmerston, the Prime Minister, entered the cabinet meeting, flung his hat on the table, and exploded: "You may stand this but damned if I will." As on so many occasions, he reflected the opinion of the public, but such hostile excitement was quite unjustified. The attorney-general had been asked what legal action could be taken in the more extreme case of the stopping of packet boats between Dover and Calais, and he had replied that there was none to be based on British practice. It was only by adopting the American position with regard to right of search and impressment that complaint could be made. Yet complaint must be made. British feeling had been hit on its funny-bone — its pride in and reliance on the

wooden walls of its merchant marine. Southern sympathy was hardly a factor, though, of course, those who felt it rejoiced. Parliament voted supplies to send troops to Canada; and Lord Russell, the seventy-year-old foreign minister, was forced to write a dispatch that corresponded to the will of the public. Prince Albert, dictating (in his last illness) to the Queen, modified its tone, but it remained in the inexcusable form of an ultimatum — inexcusable because there was no overt reason to suppose that the American government would not disavow the rash act of an uninstructed naval officer, and should it not do so it would constitute a vindication of British action which Americans had so strongly denounced during the Napoleonic wars.

Still more remarkable was the American reception which awaited the message. Wilkes had been received at Boston not so much as a hero as a savior. Lawyers who were familiar with international law lauded him to the skies. Enthusiasm flared through the country with that vibrancy of tone which marks the genuine from the prearranged. The intelligent joined with the uninformed in a joy apparently universal. Mason and Slidell might well have basked in the importance attached to their capture, but it was not this material gain that was in mind. An insult of the British flag on the high seas was relished by those who remembered the abuses which our merchant marine had suffered between 1793 and 1812. More potent still was the gathering anger at the British recognition of belligerency which was taken as full proof of Southern sympathy, particularly by the liberals, who felt that a positive demonstration should have been made in favor of those fighting slavery, even though their own government disavowed such purpose. The moment was psychologically right. Eight months had passed and no striking evidence had been given of the power of the North nor of the process of conquest. The two most important military engagements had been Bull Run and Wilson's Creek, both Confederate victories. Reports from McClellan's army were "All quiet along the Potomac." But in the Wilkes episode there was action, and Seward had been correct in his belief that a majority of Americans would rather fight Great Britain than their countrymen.

Now was a time to avoid error, for it was a crucial time. Sumner was at Lincoln's elbow counselling caution, and Seward, as always, was awed by the event. Lord Russell's dispatch arrived, and Lord Lyons read it to Seward, omitting the eight-day ultimatum, daringly risking his reputation and career in the confidence that moderation would prevail. It did. Seward was instructed to hand Mason and Slidell over to the British, and the essential issue was thus met. He has been criticized for the grounds upon which he based his action. Had he possessed genuine courage instead of rash impetuosity he might have rested it on American tradition and scored a point in the age-long controversy between the two countries over the freedom of the seas. His dispatch, however, had to be read by the American public, as well as by the British government, and perhaps public opinion would not have been content with so brash a handling of their hero Wilkes. Instead Seward wrote long and cleverly. He declared that Mason and Slidell were contraband and so were liable to seizure. Wilkes's mistake had been in not bringing the *Trent* into port with him for the presentation of evidence before the court. The government was not backing down but was calling for action still more radical. The episode was over, and the American government courteously gave permission for the British troops sent for the defence of Canada to land at Portland and to go overland to their destination. Davis saw his hopes snatched away without a chance of interfering in the process. Yet the influence of public opinion ran on, and few British and Americans who had experienced the anger of those hot moments entirely freed themselves from its power either during the war or thereabouts.

Davis naturally was not relying solely upon accident in his foreign relations. His first objective was to secure from foreign countries those goods which were necessary for the prosecution of the war. Could the mechanical superiority of the North be thus offset, the South might be able to defend her independence, at least until the North grew weary. The problem narrowed itself down to breaking the blockade by foreign assistance. In a partial way, which was not much considered at first, this might

be done by stimulating individual effort to blockade running. More satisfactory would be a protest by foreign governments against the blockade, which if undertaken would be likely to embroil them with the North. There was hope also that they might be brought, jointly or singly, to offer mediation in some one of its varied forms for the restoration of peace in America. The probable rejection of such an offer by the North would not of itself mean war, but it would injure the government in foreign eyes, and so might promote the final purpose — recognition of the Confederacy as an independent nation. Such recognition, if it came, would of itself give no legal advantage greater than the recognition of belligerency already granted, but it would materially enhance the credit of the South. Whether it would produce still further consequences would depend upon circumstances. Recognition of the independence of a revolting segment of a nation by nations declaring themselves neutral in the contest is not equivalent to a declaration of war. War did follow the recognition of American independence by France but not that of the Spanish colonies by the United States. The recognition of the Confederacy by Great Britain probably would have meant war. The North was constantly growing more angry at that nation as our own conflict progressed, and as the figures of the Union navy grew there came a desire to try it out against Britain's navy, which desire even Secretary Welles shared. If the Union navy had fought the British navy, the balance of forces would have been reversed, and the statisticians might well have predicted the triumph of the South. The chances of diplomacy have seldom seemed more important.

To his main objectives Davis added that of harrowing the North by attacks upon her commerce. Without a navy or the power of building one at home, he was dependent almost entirely on outside co-operation in carrying out this idea. His first plan was initiated by a proclamation offering to commission privateers. It was true that the South had too small a merchant marine to make as much of privateering as the United States had in the Revolution and the War of 1812, but it was hoped that the profits of the business would attract ships and sailors of other nations, as



Genét had planned in 1793. In fact, with that low estimate of the morality of their opponents which is so characteristic of peoples at enmity, it was supposed that most of the fleet would come from the North. One New Orleans paper estimated seven hundred privateers with two hundred from New England. When for various reasons, possibly among them Seward's threat to treat privateers as pirates, the plan failed, Davis turned his thoughts to a professional Confederate navy built in foreign shipyards, officered by Southern Annapolis graduates, and manned by British sailors. Throughout the war the securing and management of their navy occupied much of the attention of Confederate agents abroad.

The weapons in Davis's hands for the accomplishment of his purposes were fairly numerous, but the responsibility for the choice among them and their handling was not entirely his own. Very great emphasis was laid in the memorials presented by Mason and Slidell to the governments to which they were accredited upon the ineffectiveness of the blockade, and their statements were strongly backed by Davis's public messages. These documents present a very strong case, and their figures might well have given a basis for remonstrance by Great Britain and France to the United States. Their argument, however, lacked definiteness, for no one had yet declared what degree of effectiveness constituted legality and, more important still, the United States was not bound by the Declaration of Paris to maintain whatever standard that might be. It was true that that government might be convicted out of its own mouth from diplomatic statements made between 1799 and 1812, but hardly without more than usual strain on consistency by France with its record of the blockade of Great Britain when she had no ships upon the high seas, or by Great Britain, which had blockaded Europe with a few ships off the peaceful harbors of New York and Chesapeake Bay.

Comparatively little stress was placed upon what would seem to have been the safest, if not the strongest, weapon in the Southern armory — freedom of the Southern market for foreign manufactured goods as compared with the tariff wall that would be

about it if brought back into the Union ; or the belief of the Southern majority in free trade, as compared with the triumph of protection in the Union. Considerations of revenue and hopes that local manufacturing would grow up if delivered from the competition of Northern factories kept the tariff of the Confederacy relatively high and prevented Davis from making commitments of policy as to the future. Of course, the economic facts were plain, and foreign observers were not blind to such obvious considerations, but it might well have been dramatized by a new tariff based upon the ordinary principles of Adam Smith and Cobden and flaunted before the world as an illustration of good things to come, as the Republicans had used their proposed Morrill bill in the campaign of 1860. Franklin had never allowed France to forget that American independence might mean the transfer to her of our trade which had been such a great source of British prosperity ; the Confederate diplomatists paid but little attention to the much more probable consequence that Southern independence would shift to Great Britain and France the market which had enriched New England and Pennsylvania.

The point was that the South as a whole felt the need of one weapon only, all-sufficient to bring, not hosts of angels, but armies of starving propagandists to her aid. As the *Times* correspondent, William Russell, wrote, every Southerner thought the "Lord Chancellor sits on a cotton bale." King Cotton was held to rule the civilized world. There could be no doubt of his potency but, as with electricity, there might well be different theories as to the methods of its use. Alexander Stephens would have used cotton as an asset, have had the government buy it, ship it, and hold it in foreign warehouses for a rise in price, which would have swamped the North in the resultant shower of gold. Enticing as such a plan seemed, the obstacles to its adoption were certainly great. To have reorganized the oceanic transport service of the South in time to export the current crop would have been well nigh impossible and yet, inadequate as the Union navy was in 1861, it would still have been able to match numbers of the clumsy ocean-going cotton freighters which must have been used. Nor would the security of the cotton, stored among a

population hungry for its use, have been unquestioned. His proposal, however, was not rejected upon argument, but because preconceived opinions were so strong that Davis himself could not have opposed him.

Almost a century of discussion had crystallized the Southern mind along the lines of Jefferson's reasoning in days when the nation had possessed no material as valuable as cotton or which it so monopolized. He had urged the superiority of raw materials in a conflict with manufactured products, and now the South was in a position stronger than he had ever envisaged. Cotton manufacturing was at least the second industry of Great Britain. It was the key to the prosperity of France. Without the raw material to feed the mills, thousands of stock-owners would go without their profits and millions of employees without their wages. Starving, they would come in their might to their governments demanding any action necessary to relieve the plight. Here the popular conception rose to drama. The situation needed to be made so plain and obvious that not the dullest could remain in ignorance. The proper policy was to stop all exports of cotton completely and at once. So widespread was this idea that the Confederate government was not forced to take action, but was able to throw some sop to foreign anger. Much more than state governments, the local organizations, mass meetings, and public opinion enforced an embargo more effective than that which Jefferson had established by law. Southern cotton did not cross the Atlantic in 1861, and preparations were made materially to reduce the next crop. The world could not but know that only on terms would the South again feed the jennies and looms of Western Europe.

The effect remained to be proved, but one cannot fail to remark one danger in such a policy. In international affairs, as in those of individuals, a threat may prove a boomerang. It has so often been proved in history that man lives not by bread alone that one would expect statesmen to avoid so crudely basing their action solely upon fear and greed. Powerful as cotton undoubtedly was, it was not omnipotent; and it was perilous, indeed, to base hope of assistance by foreign nations so emphatically upon a

threat to destroy the livelihood of their people. The South, in 1861, was unquestionably inclined to approach the world with a high hand, and the tone of Davis was in harmony with such inclination. Nor is it good salesmanship to stake all on a first impression. When soon the Confederacy was forced to resort piecemeal to Stephens' method and to modify the embargo by the exportation of cotton to buy war materials, the edge of its sword was dulled. In addition, this Southern abstinence from export in 1861, and in some degree in 1862, made the Northern blockade seem more efficient than it was, and so weakened that aspect of the Confederate case. Yet one cannot deny that cotton famine was an arm of power and that it cut deep into the flesh of Great Britain and of France.

In 1861 the armory of the North was not well stocked to meet the onrush of the South. It had the advantage, which all established governments possess in such emergencies, that other governments are generally cautious in giving encouragement to revolution and are not inclined to welcome disorder. For special argument it rested its case chiefly upon the charge of conspiracy and the coercion of the Southern majority by well-organized leadership, the "slavocracy" of Northern folk history. This point was well urged by Charles Francis Adams who believed it and made it the basis of his own support of the war; for, regardless of his constitutional views, his soul revolted from the idea of the coercion of unwilling states. It was, however, an instrument not without its dangers, for it tacitly accepted a time element. A majority so dull as to remain inert amid the clash of arms and with Northern forces penetrating the interior, as they began to do early in 1862, was not likely to remain long a factor in the opportunist mind of Palmerston. Time was granted, but how much would be necessary was a legitimate question for the consideration of the governments addressed.

The first plays were all to the advantage of the South. Slidell easily won the sympathy of Napoleon. As early as September 30, 1861, Mercier, the French minister to Washington, approached Lyons with the proposal that France and Great Britain unite in recognizing the Confederacy and in breaking the blockade. Early

in 1862 Napoleon brought pressure, though not in official form, upon Great Britain for the same action. In November of 1862 he formally presented a proposal for a less drastic intervention. France, who was making full use of the opportunities in Mexico, the sphere of certain allotted lines by the *entente*, continued to urge Great Britain to action, though curiously the South had less popular support in France than in Great Britain. Meanwhile, Slidell, with the assistance of financial agents, was negotiating a loan. The financial relations between New Orleans and Paris had been close, and Slidell's daughter was soon married to the son of one of the leading Paris bankers, Émile Erlanger. Erlanger and Company in July 1862, offered their services in the form of a loan on terms by no means eleemosynary. The importance of the loan, however, was not primarily financial. The Confederacy had other credit and means with which to buy, but such a loan would be evidence of stability. After long consultation the Erlanger terms were accepted; and on March 19, 1863, the issue was placed on sale in Liverpool, London, Paris, Frankfurt, and Amsterdam, and when the books were closed it had been over-subscribed more than five times.

Meanwhile successes less dramatic but more sustaining were being reported from Great Britain. On May 9, 1861, Mallory, the Confederate secretary of the navy, had ordered James Dunwoody Bulloch to England to purchase or build six steam-propelled ships to act as commerce destroyers, and a few days later Lieutenant James H. North was sent to secure two ironclads in England or France. Bulloch was the first to secure action. In February 1862, he had ready his first cruiser, the *Oreto*, which became the *Florida* and slipped into Mobile Bay; its construction was followed in April by the powerful "290," which at sea became the *Alabama*. In May, North signed a contract at Glasgow for the building of an ironclad, and soon afterward a contract for two more ironclads, the famous rams, was made with the Birkenhead firm of Laird & Sons. This improvisation of a foreign-built navy brought up one of the most complex problems of international law — that of neutral duties. The United States had a record of leadership in recognizing such duties and in enforce-

ing them. Her acts of 1794 and 1818 marked a record in recognizing the responsibility of a neutral nation to prevent the use of its territory by belligerents in carrying on their conflict. The British act of 1819 accepted that principle and closely followed American precedents. Both countries accepted trade in munitions as legal, subject, of course, to the right of belligerents to stop it; both stated that, on the other hand, it was the duty of the neutral to prevent a belligerent from using its territory as a base for military operations. Guns, men, saddles, and quinine were munitions; an armed ship and enlisted men were military expeditions. It is plain that confusion might arise. United States officers at New Orleans in 1836 saw hundreds of men marching aboard ships cleared for Galveston, but were informed that they were individual passengers, and evidence of preconcert was difficult to obtain. Consequently, in 1837, the Van Buren administration, confronted by an insurrection in Canada, which the existing American sympathy might turn into a war between the United States and Great Britain, secured passage of an act authorizing the seizure of vessels where there was "probable cause to believe" that they were intended to act against a friendly power. This was the position which Great Britain had neglected to take. American and British officials were therefore instructed, in case their nations were neutral, to stop all expeditions destined to take part in the strife. American officials were authorized to act on suspicion, but the British could act legally only when in the possession of evidence convincing to a court of law. In consequence of this deficiency in British legislation, the cruisers built for the Confederacy with loud acclaim from the press sailed from British ports, minus their guns, which were sent to meet them. The armament was assembled by British crews and Confederate officers, and the vessels then proceeded, flying the Confederate flag and endowed with the rights of war, including that of the limited hospitality due a belligerent naval vessel in foreign ports. Adams urged that they were obviously intended for the purpose which they actually performed. Lord Russell replied that the courts must have positive evidence before stopping them. Adams collected evidence which was rejected as not legally sufficient.

He replied that a nation was responsible if its laws were not equal to its duties. The argument waxed warm, the cruisers proved efficient, the rams grew in the dock yards. The Confederacy had a navy, and it had provoked a controversy.

Meanwhile the British cabinet dispersed for its game-shooting in the summer of 1862; and Palmerston, thinking over the next session of Parliament, wondered, in a letter to Lord Russell, if it were not about time that something happened with respect to America. Lord Russell not over-eagerly undertook the preparation of a memorandum on recognition. Lord Granville, in attendance on the Queen, reported her as favoring the North. On October 7, at Newcastle, the brash young Gladstone, a youth of fifty-four, undertook to rush his elders by declaring that Jefferson Davis had created an army, that he was creating a navy, and that he had created what was more than either, a nation. Palmerston and Lord Russell were shocked at this breach of cabinet etiquette and determined not to act without an official discussion. Sir Cornwall Lewis was asked to draw up a memorandum against recognition. Sentiment was generally pro-Southern, though in some cases, as at Inveraray Castle, the seat of the Duke of Argyll, there was strong Union talk. No decision had been made when Parliament met, and through all the winter and spring American affairs with their continual twists and surprises continued to excite interest and at times passion.

The first important change was Lincoln's welding of a new bolt for the North — the emancipation proclamation. To commit the North to the freeing of the slaves was to put its case internationally upon a basis much stronger in the 1860's than to fight merely for the Union. The question was, did the proclamation of September 23, 1862, constitute an international issue? It applied to no slaves in the loyal states nor in the reconquered regions; it did not become effective until January 1, 1863. Did it mark a change of heart, the sincere adoption of a purpose, or was it a gesture of desperation? Fully aware of the necessity of convincing the British mind, Lincoln and Seward gave their attention to propaganda. Henry Ward Beecher delivered a series of speeches in Great Britain; Thurlow Weed was sent over to

manipulate the British press ; Archbishop Hughes toured Ireland ; young J. Pierpont Morgan was made an agent to secure a loan, not so much for the money to be obtained, as to interest the capitalists ; and Robert J. Walker, popular in England as the author of the liberal tariff of 1846, was sent to confer with British financiers. Lincoln himself sent public letters to the workingmen of London and of Lancashire — all to the disgust of Adams, who was distressed by these amateur diplomats.

The Northerners were met by one of the most effective propagandists since Franklin. In November 1861, the Confederate government had sent the twenty-seven-year-old Henry Hotze of the staff of the *Mobile Register* to educate British public opinion, and Edwin de Leon to France. The latter was a failure and was recalled, but Hotze was able, and with an incredibly small allowance he directed and drove all the elements of pro-Southern opinion. His chief instrument was a paper of his own, the *Index*, of small circulation, but high in quality and reliable, which became a mine of fact and argument for the whole British press.

Both sides had their native allies. Foremost for the North were John Bright and W. E. Forster, with their enthusiastic liberalism. The South had the larger number of advocates, including great numbers of members of Parliament, who deluged the press with books and articles. James Spears published in 1861 the *American Union*, in which he set forth the Southern constitutional point of view and the difficulties of its pure British stock in the face of the racially conglomerate North. Lord Montague in 1861 published *A Union of America*. In 1862, Alexander James Beresford-Hope brought out *England, the North and South*, and Hugo Reid, *The American Question in a Nut Shell, or Why We Should Recognize the Confederacy*. Southern clubs were organized from Glasgow to London, but particularly in suffering Lancashire. Union meetings of Beecher, Bright, and Forster were broken up. It seemed as if the Civil War was being fought out as a political question in the British forum.

Seward did not remain quiescent, and made use of a proposal by the House of Representatives to undertake privateering, which was certain to injure British trade. Adams, on September 5,



1863, brought his argument for the staying of construction on the Laird rams to a famous conclusion in the sentence : "It is superfluous to point out to your Lordship that this is war." Already, however, when Adams wrote, the British government had taken action and the rams were estopped. This did not mean that the South would not be recognized, but to a degree it made the question a matter of party, although Disraeli fought shy of commitment. Napoleon, however, would not keep silent, and gave an interview to his old friend, John A. Roebuck, indicating to him his desire for action. In June, Roebuck moved in Parliament that the government enter into negotiations with the principal powers of Europe looking to the recognition of the Confederacy, and debate on it was set for June 30. Lee, not unmindful of the diplomatic situation, was advancing into the North, and Southern aspirations seemed on the eve of fulfillment. Roebuck's motion was adjourned from time to time. Excitement was great and tempers were raw. Politicians sniffed the air and gradually they got a sense of direction. Pressure was brought by the wise upon the enthusiasts, and on July 13, 1863, Roebuck withdrew his motion. Without a division in Parliament, but by a general feeling for the blowing of the stronger currents of the wind, the decision of Britain had been made. In discussing the reason for that decision, one must keep in mind precisely what was the issue. It was not primarily a decision against the South. Had Lee won at Gettysburg the question might have revived ; had the South actually won, of course, she would have been recognized with acclaim. The decision of the summer of 1863 was that Great Britain would not take part in the contest and would await without intervention the American solution. From the American point of view the North had resisted the diplomatic assault of the South.

The causes that brought so sudden an end to a movement that seemed so powerful demand consideration. Several may be briefly dealt with. Military successes were of minor weight. While stocks soared and fell with rival victories, governments were much less affected. When the collapse of the pro-Southern movement came, Lee was menacing Washington, Baltimore, and Phila-

delphia with considerable chances of capturing them. On the one hand, none of the victories had proved smashing and decisive, as had the battles of Napoleon ; and this perplexed the minds of public men who found it difficult to interpret facts. On the other hand there was a general impression that the South would maintain her independence. It was not easy for Southern advocates to argue that the Confederacy deserved recognition and at the same time to claim that assistance was necessary for it to win.

There were so many irresponsible and uncontrollable spokesmen that the British situation was badly handled by Southern advocates. The assumption of leadership by a man of Roebuck's low standing in Parliament was a strategic error, and his quoting of Napoleon III in debate was unwise, for nothing was more likely to disturb the British public than a hint of foreign interference. It must be remembered, moreover, that British diplomacy was confronted by more questions than was American diplomacy. Europe was full of smoldering fires. The Schleswig-Holstein problem, Polish unrest, rivalry of Austria and Prussia, might at any moment bring an explosion ; and any disturbance of the *status quo*, as war between Great Britain and the North, might serve as a match to tinder. The American Civil War was not so all-absorbing to the world as to the contestants or to many who have written about it. Another element not to be ignored was the extremely powerful factor of Northern support in the habitual relationship of British and American financiers. Agreeable as were Southerners, it was chiefly with Northerners that business was done. The great house of Baring, with its ramifications in both "The City" and the West End, was as Northern as it had always been American. One of its partners, Joshua Bates of Massachusetts, was governor of the Bank of England. George Peabody, soon to become world famous for his great gifts to the London poor and to the emancipated negroes of America, had been born in Massachusetts, had remained an American, and had long been known to London business men as a sound counsellor and to the Victorian humanitarians as a man interested in all good causes. Such men had sold to British investors more bonds of Northern railroads than of Southern. New York merchants had

handled more of the Southern trade than had the ports of the Confederacy, and the nervous system of credit recoiled at a breach of long established custom, however golden the chances of a new régime. Like ships of the line, the great financial houses sailed among the lesser war profiteers, and their helm was set for peace.

It is impossible to attribute a relative weight to these and the other factors. Very important was the growing conviction that the war was really one between freedom and slavery. To the North the value of this belief lay in its incidence. The British government had been committed for fifty years to use what influence it properly could for freedom and so could not without inconsistency favor the South when the issue was chosen. The anti-slavery feeling, moreover, was strongest where it could do the most; in Lancashire it modified the economic grievance where King Cotton was most powerful. With amazing courage and an intelligence with which the aristocrats of the South had not credited them, the Lancashire factory workers faced present hardship in the firm conviction that slavery was wrong and detrimental to free labor.

When abolition and King Cotton met in this region it was the latter that succumbed. Indeed, his armor proved less perfect than was supposed, and chance caused him to stumble. In the first place, the stocks of cotton were unusually large when the war began, while the fear of shortage drove up prices so high that many fortunes were made. Manchester, moreover, had long been, as it still is, restive under the Southern cotton monopoly, and many thought that in the end Manchesterians might profit by tightening their belts and stimulating production of cotton in other countries. Nor was this feeling rendered the less keen by the arrogant use of cotton famine by the South as a threat to compel diplomatic action. For centuries Anglo-Saxons have resented monopolies. The Southern monopoly, moreover, did not rest on the fact that cotton was grown only in America, but on low prices resulting from organization of its agricultural system. The cotton manufacturing industry could well pay higher prices for its raw material. In fact, as prices rose, increased crops were planted in Egypt and India and, while less satisfactory, their multiplying

bales at least prevented starvation. By 1862, also, the Confederacy was getting out every bale it could put through the blockade, while the Northern government was capturing cotton and providing for its continued growth in conquered districts.

The British imports of American cotton from 1860 to 1865 were 5,286,300 bales, while the price rose from 7 1/8 *d.* in 1860 to 28.33 *d.* in 1864. In France and elsewhere, undoubtedly, there were limits to the intensity of the suffering caused by the shortage and adjustment of cotton in Lancashire. Arnold's famous *History of the Cotton Famine* is really a history of poor relief. In general these were years of unparalleled prosperity to Great Britain as a whole. Her imports rose from £210,000,000 in 1860 to £269,000,000 in 1864, and her exports rose from £164,500,000 to £240,000,000. Wealth was ample, and it had reached the stage of conscientiousness where it at least would not allow the idle to starve. King Cotton also encountered King Corn. One of several pieces of what can hardly be described as other than good luck for the North was that during the first years of the war there occurred a series of bad harvests in Europe coincident with good ones in the American Northwest. British imports of American wheat rose progressively from 17,500,000 bushels in 1860 to 53,000,000 bushels in 1861, and to 62,000,000 in 1862. The deficiency of Northern credit was thus partially reduced, and a break with the North threatened a calamity not so complete, but even more vital, than the loss of cotton. Seward waxed as eloquent over California gold and Northern wheat as did the Southern press over its long-heralded product.

And what, indeed, had Great Britain to gain by recognition, with its possible concomitant of war? No war could give her more certain gain than that which was actually being waged. Not merely was Britain at peace, winning the usual profits of neutrality in supplying goods; but her premier industry, far dearer to her than the factories of Lancashire, was by the very action of the war winning that position of pre-eminence for which in 1860 it seemed hopelessly struggling. In 1857 the merchant marines of Great Britain and the United States were running neck and neck. In 1860 the iron ship, which gave Britain an advantage

still existing, was beginning to make its effect obvious. Suddenly Davis's navy created an element of risk for vessels flying the American flag ; the increased risk made necessary an increase in insurance and therefore an increase in freight rates. So great a merit was attached to the Union Jack that in the course of the war 800,000 tons of American ocean shipping were transferred to that flag, a practice which by the time of the World War had been forbidden by international law. The British merchant marine was overcoming its principal competitor by British ships and British guns and without the risks and horror of a national war.

Of equal importance was the fact that the United States government, the most persistent advocate of broad neutral rights, was daily piling up precedents in favor of the exercise of power by belligerents. The British government had no tradition to violate by recognizing an ineffectual blockade. All the interests of the greatest naval power in the world were in favor of a law which recognized a navy as possessing all possible authority. It is difficult to conceive the obstacles that Great Britain would have encountered in her dealings with Germany during the World War had not American traditions of the freedom of the seas been modified by United States practices between 1861 and 1865. Still more was it to the advantage of her professional navy that the improvisation of navies in neutral countries during war time should be discouraged. Wise Britons began early to point out that in allowing Confederate cruisers to be fitted out, Britain was selling for a mess of pottage a security that would expose her to incalculable harm in the future. It was that thought that chiefly led to the reversal of her policy in the spring of 1863, and she was soon willing to cry *peccavi* and to pay *wergild*.

By August 1863, the end had come to the great hopes of the Confederacy, as Davis recognized in a bitter message of December 1863. Once more his patience failed him ; and he threatened to withdraw his promise to respect enemy goods in neutral vessels, and began to break off relations with British and French consuls on the ground that their exequaturs were derived from the federal government. These were futile gestures, and no new

consuls came. One can imagine how long the *Alabama* would have survived had she begun seizing vessels under the British flag. Yet foreign intercourse and diplomacy continued.

When one sets arguments and opinions which were at the service of North and South, respectively, in this contest to control world action, in opposition to each other, it is impossible to say that the result was inevitable. While both sides made errors, it would seem that the errors of the South were most damaging, while the luck was for the most part in favor of the North. Probably the case of the South was strongest in 1861, when surprise was greatest and minds unsettled. With each passing month after September 1862, latent powers for peace became more powerful, and peace became increasingly probable, though never beyond the chance of some sudden episode or change of condition.

Napoleon was not the friend of the South for reasons purely altruistic. He was mainly interested in his adventure in Mexico, which had been made possible only by the division of the Union ; and it might perish by its reunion. Pecuniary claims against the Union had been made the basis for intervention, and intervention had led to the establishment, under French guidance, of an empire to which had been called the Austrian Archduke Maximilian. Thence were to come glory, intercourse, and gratitude from Austria and from the Church of Rome as well. Barred from interfering in the United States by the *entente*, Napoleon was free to resist interference. It seemed that he might have an opportunity to exercise that freedom when in 1864 the United States House of Representatives resolved that the Monroe Doctrine had been violated by Napoleon's action and called for the expulsion of the French. "Do you bring peace or war ?" asked the French foreign minister, Thouvenel, when Dayton next called upon him. He brought, in fact, a dispatch from Seward, now expert in diplomatic finesse, stating that the House of Representatives did not control diplomatic policy and that the American government, while it would prevent European interference with the political system of the Americas, was not sufficiently informed to take action and was pursuing a policy strictly neutral in the struggle

between Maximilian and his republican opponent, Juarez. No commitment was made, but no loophole was afforded Napoleon to plead the necessity of self-defence.

Davis, meanwhile, secured a minor triumph through the activity of A. Dudley Mann. The county system which the North employed for raising troops caused mongers of human life to search Europe for likely material to enter as immigrants, to enlist, and to share the bounties. This business was facilitated in Ireland by the thought of the Sinn Feiners that the Civil War afforded good training ground for troops afterward to be employed in the Irish war against Great Britain. Thousands of youths crossed the Atlantic and took part in the war ; their numbers were overestimated by the South, which accredited to such activity large numbers of obviously foreign-born, who were actually naturalized citizens of our earlier immigration. Had this movement been concluded by government agents it would have been a violation of neutrality in the strictest sense ; and, even so, the propaganda which actually was circulated was proper material for remonstrance under the belligerency proclamations of the various governments. They did, indeed, take the matter up with the United States government, for which Great Britain had good precedent in the protests of the United States against the activities of British enlistment agents during the Crimean War.

Mann conceived the idea of an appeal to the Pope, as the regions of their activity were Ireland and Belgium. Proceeding to Rome, he had agreeable interviews with Pius IX and Cardinal Antonelli and secured an official letter addressed to Jefferson Davis, president of the Confederate States of America. This he widely heralded as an official recognition of Southern independence by the Papal States. It did not have such a significance in diplomacy, being merely the courteous acceptance of the title assumed by the person addressed. Nevertheless, the letter was not without its influence in checking the rush of Irish lads to Grant's army.

Davis's final play was made in the autumn of 1864, following the advice which his friend, Duncan Kenner, Confederate congressman from Louisiana, had been urging upon him for over a

year. Many Southerners realized that the war, whether won or lost, was disrupting the system of slavery. They were aware how much it hurt the Confederacy in its dealings abroad. The proposal was to offer slavery in return for recognition. Thus to reject the corner-stone of the edifice as exalted by Stephens would seem a revolution, indeed. It meant that to some, independence had come to be the supreme goal. Davis's message of December 1864, with its recommendation of the enlistment of slaves, who should receive freedom in return for military service, was a premonition of this new policy which Kenner was committed to present to the governments of Europe. It must be remembered, moreover, that negro codes could be so framed to make the change less vital than it seemed, and what would have been the reception of the proposal had Kenner returned with a protocol is questionable. Congress had not, when the Confederacy fell, acted upon the suggestion of negro troops, and behind Congress were the far-from-docile states. The armies would have had the responsibility of keeping the country open for a new discussion, a task which they showed themselves unable to accomplish, though some hold that they might have maintained the struggle longer had they been animated by genuine hope. As it was, some leakage concerning this secret mission seems to have given rise to a mysterious rumor of the coming of foreign intervention at last, which gave some comfort to the troops about Petersburg.

Though this final effort completely failed, it remained true that the outside world did find ways of sending essential supplies to the South, and the little navy continued to distress the shipping of the North. The turn of events, however, began when in a spectacular and advertised duel off Cherbourg on June 19, 1863, the *Alabama* succumbed to the *Kearsage*, leaving only the *Florida* at sea. On January 15, 1865, Fort Fisher at Wilmington fell, and the last road to Europe was finally blocked, leaving the South entirely to its own resources.

The failure of the Confederacy in its foreign relations has been variously attributed to Queen Victoria, to Lincoln's emancipation proclamation, to Charles Francis Adams, and even to the necessity of disciplining Gladstone for his seeming attempt to



hurry the cabinet. Some of the responsibility should undoubtedly fall on Davis, whose handling was not adroit, and some to the public opinion of the South, which forced that particular manifestation of the cotton argument which was calculated to arouse the most resentment. Mainly, however, it was the result of circumstances. The South wished aid in the struggle ; the government of Great Britain did not see sufficient advantage in American separation to promote it, and was largely preoccupied with the desire to be on good terms with whoever emerged, whether one nation or two. Delay would work no injury unless the South was too weak to stand alone. Actually the accidents, as the deficiency in wheat, were favorable to the North. Delay, in fact, strengthened the forces producing it. While opinion oscillated with battles, none of the Confederate victories materialized in concrete advantages ascertainable on pin-pricked maps, while point after point fell into federal possession. The best hope of the South lay in rushing the government of Britain off its feet, but Palmerston and Russell were too seasoned players to be rushed ; to them and to the realistic solidity of British opinion which they interpreted must probably be assigned a greater influence than to those in the North and South who struggled to persuade them.

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## CHAPTER VIII

### THE ANACONDA AND THE UNICORN

THE triumph of the North in diplomacy meant that foreign nations were not to take a part in the contest. It did not automatically shut the South within herself ; she might burst her bonds, and she might entice foreign individuals to help her. It was the business of the North to enforce the blockade which she had declared. The Northern policy of blockade had long been foreseen, and at the moment it was put forward by General Scott as part of a plan of isolation intended to reduce the South by strangulation. This plan was based upon such economic considerations as have already been mentioned, and it was thoroughly in accord with the principles of scientific warfare. To the non-military population of the North it seemed absurd and was dubbed "Scott's anaconda," yet the coiling of fold after fold of the enveloping Union about the South, a unicorn with cotton its one horn of offence, became one of the three chief themes of the contest.

The circumference which the anaconda must encircle was roughly five thousand miles. Of this, fifteen hundred was land frontier between the two contending peoples, five hundred miles of it was a neutral river frontier between the Confederacy and Mexico, and there were three thousand miles of ocean. There was work for the army, for diplomats, and for the navy. The task of the navy, the blockade in a technical sense, is that with which we will first deal. Those three thousand miles of sea front were all low-lying. There were no rock-bound coasts upon which to shatter stout oak, but no mountain cliff is more dangerous than deceptive, sandy Cape Hatteras in North Carolina. The whole extent was divided not very unequally by the long peninsula of Florida into an Atlantic and a Gulf section, the latter being at a distance of over fifteen hundred miles from the nearest ports of the North. This strand was practically double — long stretches

of sand bars with interior lagoons, as in North Carolina, Florida, and the Gulf, and sea islands separated from each other by intricate and changing channels, as in South Carolina and Georgia. Ports were few compared to such rugged shores as those of England and New England, but each possessed many paths of ingress from the ocean. The nearest marine neighbors were under foreign flags. British Bermuda was 720 miles from North Carolina's chief port, Wilmington, British Nassau about 600 miles from Charleston, and Spanish Havana 650 miles from New Orleans.

To seal this coast was the task of Gideon Welles. He had been appointed secretary of the navy chiefly because he had been a Democrat, was an editor, and came from New England, in particular from Connecticut. All these characteristics displayed themselves in his conduct. His Democracy was not apparent until Reconstruction. His editorial experience accounts in great part for his successes. As a New Englander he did not spare plain speech to his colleagues, which speech he preserved for posterity in his diary. His origin crept out equally in the economy with which he collected his navy and in the ease with which he disposed of much of it after the war was over. Conspicuously the Connecticut Yankee showed in his interest in new devices and his willingness to experiment with mechanical novelties. Withal, he had an eye for men. His immediate selection of Gustavus V. Fox as assistant secretary gave him an aide with experience and talent whose work is inextricably blended with his own, though without the alchemy of friendship. The country found him, with his patriarchal beard, amusing, but he did a difficult job well.

When the war began he had a navy of 42 vessels in commission, with 555 guns and 7600 men. There were squadrons in the Far East, the Mediterranean, Africa, Brazil, and the Pacific, while from the home squadron of twelve vessels several had been sent to Vera Cruz to watch the European intervention in Mexico; and on April 1 Seward wished to increase the number so detached. In addition, Welles had posts on the Southern shore, Fortress Monroe, commanding the James and York rivers in Virginia, a supply station at Key West off the point of Florida, and Fort Pickens opposite Pensacola; and, of course, until April 13, 1861,

Fort Sumter. Fortunately for him it was easier in 1861 than in 1917 to improvise a navy. The North rejected privateering, for such free lances would have been of little use in maintaining a blockade. Welles proceeded to make use of the merchant marine by purchase, employing a general agent and making, on the whole, good bargains. He also immediately ordered the building of a number of light-draft craft suitable for Southern waters, and the construction of vessels thus specially designed continually increased.

On December 2, 1861, he was able to report 264 vessels, 2557 guns, and 22,000 men. These were divided into a flotilla for the Potomac and independent squadrons charged with maintaining the blockade of Virginia and North Carolina, of the coast south to Key West and of the Gulf region, which was subsequently divided into two regions. He reported 153 captures, but when he maintained that no blockade in history had been so effective he revealed either ignorance or bumpiousness. In the Gulf his squadron had hovered off New Orleans, and ingress to other ports was merely rendered slightly hazardous. He continually increased his navy; and in 1864 reported 671 vessels, 4610 guns, and 51,000 men, and could boast that his total expenditures had been but \$238,647,762.35.

It was not, however, upon ships alone that Welles relied. Already, in 1861, he had begun to stop up rat holes by sinking old ships laden with stone; but this practice was given up on remonstrance from foreign governments at thus permanently injuring the avenues of trade. Much more important was the project of securing ports in the South, each of which would mean one fewer open gates and a point of support for the blockaders. He promptly appointed a board consisting of Captain (later Admiral) Dupont, General J. G. Barnard, Chief Engineer of the Army, and Alexander Bache of the Coast Survey to report on the problem of amphibian expeditions to snatch up the most desirable of such positions. Aided by their full knowledge of the enemy's coast and its chief defences inherited from the joint government, their plan was carried out with surprising success. The first raid was a modest one of ten vessels and nine hundred men, com-

manded respectively by Commodore Stringham and General Butler, who on August 27, 1861, captured the Confederate forts at Hatteras Inlet, closing that break in the bar and obtaining a base from which attacks were subsequently made on New Bern and other towns across the broad lagoon.

More important was the expedition commanded by Commodore Dupont against Port Royal in South Carolina. This admirable harbor was defended by two substantial forts, Walker and Beauregard, and a small Confederate fleet. The attacking force consisted of 74 craft, including 34 steamers, and a land force of 12,000 men. With his wooden ships Dupont sailed boldly between the forts concentrating first on one and then on the other, his ships arranged in an ellipse, each firing and then moving out of range. The Confederate lack of trained gunners was soon apparent, and the forts were reduced, having made few hits on the moving targets of the revolving fleet. This capture, made on November 7, 1861, gave a good base for the South Atlantic squadron and brought under federal guns some of the best plantations in the South, where abolitionists were soon conducting experiments in the social uplift of the negroes. Soon after a post was established on Tybee Island, at the mouth of the Savannah, whence operations were conducted against Fort Pulaski, which fell on April 12, 1862. This again gave the navy a valuable station, but it did not fully cut off Savannah from the sea, secured as she was by the mazy waterways of the Georgia littoral.

An undertaking of far greater difficulty and significance was meanwhile in contemplation — some manner of dealing with New Orleans. The obstacles were of many kinds. Co-operation of land and naval forces had never proved certain. Which department should furnish transport for the troops? And where should one command cease and the other begin? McClellan, too, in general command of Northern armies at the time, was impatient at the detachment of troops from the central field of action. Complaining but never firm, he submitted to a widely irregular arrangement by which Butler raised troops to be under his own command. Who, then, of the untried officers should head the

fleet? The navy was rent by factions and muscle-bound by seniorities; but at least all the ambitious were trained professionals. With the aid of Fox, Welles cut through rivalries, and his selections for the most part stood the test of success and of criticism. For New Orleans he chose David Glasgow Farragut, a Southerner, a hero and a genius, whose most famous remark, "Damn the torpedoes," places him as the last of the race of Nelson rather than of the generation of Mahan, Jellicoe, and von Tirpitz. With him was the hereditary naval leader, David Dixon Porter, in command of a novel arm, a fleet of little vessels each armed with a mortar to throw shells high in the air to drop and explode within the fortifications of the enemy — a triumph for the offence.

The modern generation wonders at the appointment of General Benjamin F. Butler to the command of the army section. He was soon to become "Beast Butler," anathema to world opinion, and stained for ever in the public mind with the mythical theft of the silver spoons. It must be remembered first that while most in the North recognized that in the management and clash of men ability was more important than training — an opinion at that moment confirmed for many by the apparent inaction of the scholar McClellan, to whom every editor felt competent to give advice. Thus politics was admitted to the whole range of army appointment and direction, and it was, in fact, at the moment sitting embodied in Benjamin F. Wade, the industrious chairman of the Joint Congressional Committee on the Conduct of the War.

From the point of view of politics, Butler's eligibility could not be surpassed. He was exuberantly enthusiastical over the war, and he had been a Breckinridge Democrat. So long as he was in high command the war could not be stigmatized as Republican, but his removal would be hailed as evidence of partizanship. It was his political background, too, that was responsible for his selection for tasks involving the administration of Southern territory, for it was thought that this intimate associate of the extremists of the South could not but prove *persona grata* and an evidence of the kindly intention of the government. Thus logic might well have determined him as the ruler of Baltimore, of the

area about Fortress Monroe, and now for that about to be recovered, New Orleans. So far the war had enhanced his reputation. His utter military incapacity was yet to be revealed, but his high and versatile clemency was already in evidence. Put in any position of authority he was as busy and effective as a housekeeper, seeing most unusual and non-military opportunities to do good, and acting on them with promptness and publicity, cleaning up sewage, devising savings, regulating morals, and bringing to the lazy Southland some of the blessings of sanitary Lowell. At Fortress Monroe he had opened Washington to the North and was confronted by the curious legal situation of negroes escaped from slavery ; he declared them contraband of war and the term "contraband" clung. Moreover he had made himself dangerous. He surpassed any man of his day in a capacity for self-advertisement. His method, always the same, was to do or say something quite outrageous, which was bound to bring upon him the unloosed venom of attack. When abuse was about to burn itself away he would come forward with some prepared answer or explanation that would turn the laugh on his assailants. Upon landing in Maryland he addressed a letter to Governor Hicks, offering his services to Maryland in case of a slave insurrection. Governor Andrew rose to the suggestion of using boys of Massachusetts to fight negroes ; but no insurrection took place, and if it had, Butler's position was absolutely correct ; he was offering nothing that his oath of allegiance to the government did not require. He was becoming a figure who stood for action, who amused, and who knew just how to appeal to a peculiar instinct of the American public which made many trustful of a clever scamp, so that he could raise troops and generally win votes.

The expedition assembled at Ship Island, long before selected for a fortification commanding New Orleans, and plans of action became the topic of conversation and correspondence. Some thought simply to create a new port to attract the cotton of the region and ship it out ; some to enter by a back way through Lake Pontchartrain. Farragut, however, seems not to have hesitated and gave orders to enter and ascend the Mississippi river. Such

preparations were not kept secret, and New Orleans prepared and was confident. Had she not held, or been held, in 1815 against overwhelming numbers of British veterans fresh from the Peninsula? Art since then had assisted nature. Forts St. Phillip and Jackson fronted each other at a dangerous bend, tied by the traditional iron chains buoyed up across the river. Back of them was a squadron by no means contemptible, though it was poorly organized. Farragut had nothing so modern as an ironclad, but invention had given him a weapon still more decisive. Since 1815 man had learned to master river currents, and Farragut could steam his vessels up the Mississippi in spite of a current approaching four knots. Farragut's fighting fleet consisted of 17 steamers with 192 guns and Porter's mortar division of 26 vessels with 192 guns. Opposed to him, in addition to the forts with 126 guns, were six vessels of the Confederate navy with the formidable but incomplete armored battery, the *Louisiana* and a clever iron ram, the *Manassas*; a state navy of two vessels; and a river-defence squadron; the whole totalling 14 vessels and 40 guns. On neither side was there unity of command, but Farragut secured better co-operation than did General Mansfield Lovell who, as chief military officer, might be regarded as responsible for the city. The three naval defence squadrons were quite unco-ordinated, and neither Lovell nor anyone else could control their action.

The Union fleet began to cross the bar on March 18, 1862, and by the middle of April was bombarding the forts. Farragut, however, was impatient of such slow tactics and, having contrived a breach in the boom, at two o'clock in the morning on April 24 in his flag ship, the *Hartford*, led his fleet upstream, with chains looped alongside the engines, the only protection of his wooden walls. With shot and shell, even with musketry, as vessels came close to the forts, with fire rafts for light, with the dark smoke of soft coal now obscuring the enemy, now friends, fighting the current and the daring Confederate rams, he pushed through the most picturesque contest of the war. By dawn, with few losses, he was above the boom, with New Orleans unprotected before him. Leaving Porter and Butler to reduce the forts, he sailed up



river, and in the early morning of April 25 his guns looked down over the angry, helpless city, which by rule he should not have captured.

After the fall of New Orleans, the Southern seacoast became more resistant, and the conditions of blockade were more or less stabilized for the remainder of the war. The next obvious objective was Charleston, and the preparations for its reduction by Admiral Dupont seemed better than had those of Farragut for New Orleans. On April 7, 1863, a beautiful and sunny day, Dupont steamed slowly against the harbor forts with nine new iron-clads, the most formidable naval force for attack the world had ever seen. In the evening the fleet withdrew, one ship soon to sink, several seriously injured, and all except the flag ship more damaged than the fort they were attacking. The difference in the effectiveness of Dupont's superbly modern mechanical instruments and Farragut's old-fashioned implements at New Orleans can be attributed to several causes. On the Union side Farragut was handling weapons that he and his men knew how to use, whereas when iron plate was in question all were amateurs; no one knew how vessels so heavy would manœuvre, how powerful the engines should be, what would be the effect of recoil of cannon, or what would be the effect of shots received. Chiefly, however, the difference was on the Confederate side. In the fall and winter of 1861-62 General Lee had spent four months organizing the defence of the Atlantic coast-line. Command was then given to General P. G. T. Beauregard, who possessed all of Butler's cleverness plus military genius, and who had lavished his scanty stores of powder and shot in target practice which, when occasion arose, brought his shots direct to the spots they aimed at, entering the port-holes of the enemies' turrets and jamming their guns. It is notable, too, that the powder he used, a new manufacture at Augusta, Georgia, proved superior to any previously employed on either side. With persistency the attack was renewed, with heroism and ingenuity it was repelled. Characteristic of Beauregard's inventiveness was the Confederate diving-submarine made out of a disused boiler tank which, after three times sinking with all her crew, on February 17, 1864, under the

command of Lieutenant Dixon, sank the *Housatonic* and finally perished with her victory.

Charleston continued to face her enemy by sea until in February 1865, the failure of the armies brought Sherman to her back door, and her coast defences were evacuated. Farragut, damming the torpedoes and losing ten ships to them in ten days, had on August 5, 1864, won control of Mobile Bay. Porter took Fort Fisher at Wilmington, North Carolina, January 15, 1865. These events, however, were symptoms of the end. In the conduct of the war one may say that the fall of New Orleans marked the creation of an equilibrium on the coast and established the conditions under which the blockade was maintained during the heat of the conflict.

The Confederates could not be content with holding off the net which was enclosing them; they must break it. For both purposes they needed a fighting navy in addition to their foreign-built commerce destroyers. Considering that before the war only seven steamers had been built in Confederate territory and only two of those furnished with locally-made engines, the results were more astonishing than those achieved by Welles. When, on February 21, 1861, Stephen Russell Mallory, like Welles, of Connecticut stock, became secretary of the Confederate navy, he inherited from the old government ten vessels with fifteen guns and a little navy yard at Pensacola, to which was soon added the damaged but still valuable yard at Norfolk. He obtained the services of 321 former officers of the United States navy, while Welles retained 1242, of whom 350 were of Southern origin. In November 1861, Mallory had 35 ships afloat. Construction under incredible handicaps continued throughout the war, and until the end the number of ships grew in spite of casualties. To operate this navy called for more seamen than the Southern population, unaccustomed as it was to seafaring, could easily furnish, and transfers to it from the army had constantly to be made by law. Secretary Mallory turned his attention particularly to new devices, ironclads and torpedoes, the proper weapons of a service designed to defend a coast and break a blockading cordon; defence gained distinctly over offence.

The most famous of his ironclads was the *Virginia*, created out of the partially-burned hull of the United States *Merrimac*. Her construction was a national effort which excited the zeal of all concerned, from the secretary to the humblest workman in the Tredegar works at Richmond, where her plate was rolled. On March 8, 1862, she worked her difficult way up the channel from Norfolk and emerged into the broad reaches of Chesapeake Bay, where the main unit of the United States fleet lay under the guns of the Fortress Monroe. The mechanical age at once achieved its first spectacular triumph in the field of war. With dignity and calm the *Virginia* sailed into the midst of the Union fleet, sank by gunfire and ramming two of the largest of its vessels, seriously injured three others, engaged in a casual interchange with the shore batteries, and retired for the night unharmed, as from a pleasure jaunt, having shaken the world. Now, indeed, was the blockade of Virginia broken by arms without waiting on the slow processes of diplomacy; the Confederacy proved able to cut through Scott's anaconda with its own bright sword. At the moment this momentous consequence was hardly considered in comparison with the appalling thought of more direct action, such as the bombardment of the Northern coast. Welles reports Stanton, with trembling knees, gazing down the Potomac for the ascending dragon.

On the morning of March 9 the *Virginia* steamed forth once more to realize her potentialities. By one of those dramatic crossings of different lines of causation which are often deemed coincidences, the night had been marked by the arrival of Welles's reply to Mallory, the first Northern sea-going ironclad, the *Monitor*, designed by John Ericsson, already famous in marine architecture for the novel and unhappy *Princeton*. The *Monitor* was not only ironclad, but she also embodied the intricate principle of the revolving turret which constituted a second revolution in naval warfare. In the face of the rival hosts, as in the days of David and of Hector, the two champions engaged. From eight o'clock till twelve the battle raged with the ships for hours within fifty yards of each other. Once the *Virginia* rammed the *Monitor*, but neither was seriously injured, and the duel ended in a

draw. The abandonment of Norfolk by the Confederates in April, however, left the deep draft *Virginia* with no place of recruitment, and she was destroyed by her friends. Thus ended the first and greatest attempt of the Confederacy to break the blockade by its own power ; her failure to secure foreign-built rams we have already discussed.

There remained, however, penetration and evasion. In 1861 there was neither effective blockade nor blockade-running ; in 1862 both became systematic ; by 1863 they were in full running order. In and out of the many ports still remaining to the South slipped the blockade-runners, now no longer the slow and stately cargo-boats of previous times, but for the most part built for their task on the Clyde and Mersey — fast, low, grey, and agile, silently melting into the misty dawn. Many were hardly fit to cross the Atlantic when full burdened, but their purpose was only to ply from the coast to the nearest British colonial ports where they found ready markets to buy and sell, or more often simply transhipped the cotton which they brought out for the war supplies, which they were commissioned to take back. The chief supply station was Nassau ; a leading Confederate port was Charleston ; and most significant was Wilmington on the Cape Fear river, whose mouth was guarded by Fort Fisher, which government and trade combined to keep at the top notch of efficiency, and from which ran a railroad, via Petersburg, to Richmond and Lee's army. For three years this was the leading speculative trade in the world ; many grew fat on it, and innumerable hands were stretched out to share its profits. Merchants and adventurers, British and Southerners, individuals and companies carried on the greater part, but Governor Vance of North Carolina had his state fleet, and the Confederate government had four vessels which Davis wished to multiply. Many of those engaged in blockade-running were concerned purely with business, having no interest in the struggle unless perhaps to prolong it.

Just as Franklin, during the Revolution, had been shocked at the gewgaws imported into the United States when credit was so low and war supplies vitally necessary, so now Davis and others were disgusted at the character of the cargoes that arrived in re-

turn for their grudgingly-sent cotton. On February 6, 1864, an act was passed for regulation, under which exports and imports were strictly limited, and provision was made that one half of all outgoing space be reserved for the government at fixed rates. The meshes of the net laid to prevent this intercourse were woven closely enough. The number of vessels employed was all-sufficient; the patrol of Wilmington, one might think, would have blocked a cat, and the crews were not without the stimulus of gain, sharing as they did in prizes captured. The main reason for the difference between the effectiveness of such work in the Civil War as compared with the World War is doubtless to be found in the absence of searchlights and the wireless telegraph, although heliographs were sometimes used. The coast, too, was difficult, as wind either on or off shore forced the blockaders farther to sea, while a good pilot of a blockade-runner could send his craft into or with the gale for the short time necessary to come from the sea to the protecting shelter of Fort Fisher. In fact, the chief effectiveness of the blockade was in the second line maintained by a flying squadron off Bermuda and Nassau, where the larger vessels coming in from Europe were more easily taken than the little runners choosing with discretion their times of departure and arrival.

The seizing of vessels, flying the British flag and plying between Britain and a British colony, involved the comity of nations and the passivity of Lord Russell, and aroused the South much as the building of the *Alabama* did the North. The British, however, made no important protest, though at points the United States procedure strained international law more than had the British blockade of New York during the Napoleonic wars. It was the American attitude of that earlier period that was violated rather than the British, and the decisions of the United States Supreme Court were watched with interest, though the action of one's own courts is not very important during a period of war, as it may always be delayed until the emergency has passed. The leading cases were those of the *Bermuda* and the *Springbok*, both captured in 1862, and decided in 1865 and 1866, respectively. In both cases, however, the legality of the seizure was upheld, the

judgments being based upon the doctrine of continuous voyage, which was evolved in the British courts by Sir William Scott ; that is, in the one case, while the *Bermuda* was apparently bound for Nassau, her "ultimate destination" was a Confederate port ; and, in the case of the *Springbok*, her cargo was so destined. To evince the probability of such an object in the case of the latter, it was brought in evidence that the cargo consisted of warlike implements far beyond the customary demand at Nassau. These decisions, extending a guilty voyage to that part of it between ports of the same neutral country and the study of the normal trade of a neutral as evidence of intentions in the case of contraband goods, form the connecting link between the international law of blockade in the Napoleonic and the World wars.

The use just made of the word blockade is grammatical rather than legal, indicating the general idea rather than the juridic principle. Goods may be stopped on the way to the enemy on the ground of being contraband of war and on that of breaking a legal blockade. The decisions of the United States courts do not make clear upon which ground they justified the action of the navy. It was not necessary for all the goods seized to be contraband ; and this fact has a profound bearing upon the ultimate question of the effectiveness of the anaconda, or rather of its oceanic segment, in the conquest of the South. As has been pointed out, the United States was not under obligations during the Civil War to preserve any particular standard of blockade efficiency, yet the blockade was instituted for a military purpose, and the question is as to its success from that standard. Owsley in his *King Cotton Diplomacy* states : "Old Abe sold America's birthright for a mess of pottage" ; and such a judgment demands consideration.

There are no comprehensive figures on blockade-running, either for number of entrances or for goods carried. The number of captures can be fixed as between fourteen and fifteen hundred. Successful voyages cannot be counted, but their number was amazing. My mother, living with her New England husband, told me that she heard regularly from her family at Augusta, Georgia, through one Charleston captain. Owsley calculated

7500 violations, and estimated that captures as compared to evasion were as one to ten in 1861, one to eight in 1862, one to four in 1863, one to three in 1864. In 1864 Davis, in recommending a larger commercial fleet for the Confederate government, estimated eleven per cent. as sufficient for insurance. This extremely moderate rate may have been suited, perhaps, to government purposes only, as naval officers were particularly successful, only one vessel under their command being captured. One armed government steamer in nine trips netted \$600,000, but if the risks of private traders were greater, so were their profits. Salt costing \$7.50 at Nassau sold for \$1700 within the line, and coffee bought for \$240 sold for \$5500. Davis reported to Congress that between November 1 and December 1, 1864, 43 steamers had arrived at Charleston and Wilmington alone. The trade was active in January 1865, and perhaps the most astonishing exploit of all is that of the *Chicora*, which ran into Charleston, found the city captured, and successfully ran out.

It is plain, then, that the blockade was not one hundred per cent. effective ; it is impossible to give it a percentage value. Most attempts have been based on the exports of cotton, but these are subject to two difficulties. As will be seen, not all Southern cotton reached market by this route, and it must be kept in mind that the Northern government was not anxious to prevent its export. Indeed, it was Lincoln's policy to get out every bale available to relieve the pressure upon industry, and thereby ease the political situation at home and abroad. There is some evidence that the Union government winked at blockade-running. For the Confederacy, the whole business of shipping cotton out was in the nature of a defeat in policy, to which it was compelled by the necessity for vital things. Lincoln's interest in the foreign trade of the Confederacy was in those goods which the South obtained by bartering her cotton. That the blockade had some degree of effectiveness is indicated by those very differences in price which rendered its running so worth while. Two generalizations may be made on undoubted grounds which may sum up the situation from a military point of view. Until the fall of Wilmington the Confederacy was able to obtain military supplies, without which

the contest could not have been continued, and which it was the duty of the blockading fleet to prevent. On the other hand, I have never seen reference to the importation of a ton of railroad iron, which was vital to the circulation of Southern resources. On April 23, 1863, P. V. Daniel, president of the Richmond, Fredericksburg, and Potomac railway wrote to the secretary of war that 49,500 tons of rails were needed annually by the roads of the Confederacy and that the Tredegar Works had never, even when not engaged in more direct war work, rolled more than eight thousand tons, while he did not expect that the Georgia mill, now constituted at Atlanta, could be counted on for the ten thousand it had promised. While Lee's armies were armed and there were great regions rich in supplies, they starved because the roads could not perform their proper functions. If so plain a necessity as railroad iron could not be brought in, and when the United States courts did not have to confront the legality of the blockade because the cargoes brought before them fell under the very limited definition of contraband then admitted by their government, the deficiency in goods needed to maintain the morale of the population can be inferred. My conclusion is that the blockade played a part by no means inconspicuous in the reduction of the Confederacy, but that Southern skill and courage and the attraction of cotton prevented as complete isolation as the United States navy aimed to secure. The problem of the neutral frontier of the Confederacy toward Mexico is generally treated in connection with the blockade of the coast, but it had a different history and implication. Throughout the period of the Civil War, Mexico was in a condition of more than usual confusion. Foreign interventions had begun before Lincoln was inaugurated, and even then the country was rent by factions holding different sections. During most of the war in the United States the empire of Maximilian was conducting its own civil war with the republican Juarez. These conditions rendered strong executives of states extremely independent, and among the most powerful was Santiago Vidaurri of Nuevo Leon and Coahuila, who often controlled also the other states of the northeast, which lay contiguous with the border.



The first Confederate mission was that of John T. Pickett, whose name is immortalized by his sale of the archives of the Confederate state department to the United States government in 1868, whence it comes that they will probably for ever be quoted as the "Pickett Papers." He was received by the foreign minister and was assured of the friendship and neutrality of Mexico. This was better than the commissioners to Europe were able to secure, but it was a transitory triumph. His opponent, Seward's minister, was Thomas Corwin, whose very name brought into operation the prejudices of the past. Pickett and the Confederacy were identified in the Mexican mind with Southern support of the Mexican War and the subsequent propaganda for expansion; Corwin had been an opponent of that war and a violent antagonist of expansion. Vainly Pickett argued that with independence new states to balance the senate were no longer necessary to the South and that the policy of the Confederacy was peace. He was, however, impetuous and indiscreet; Corwin was careful, and he offered a treaty, never ratified by the United States, offering Juarez an \$11,000,000 loan. This loan was to be based on the security of northern Mexico and was expected to be an instrument of ultimate annexation, but \$11,000,000 was very useful at the moment and the Confederacy was a nearer danger. Corwin won his duel with Pickett. The Juarez regime was tied to the North, where Juarez became a fetish comparable to Garibaldi, though on his side sentiment remained entirely subordinated to policy.

Meanwhile, however, Davis sent separate missions to the governors of nearby Mexican states. The most important was that of Juan A. Quintero at Monterey to Vidaurri, a diplomatist of genuine genius. Vidaurri was more than friendly; he saw the possibilities of great profit, and thoughts of separation and independence from Mexico floated in his mind. He, a state executive, could not take formal action, but soon complete co-operation was established between his states and the Confederacy. His territory could supply lead, copper, saltpeter, powder, and specie, and he commanded the fort at Matamoras in the state of Tamaulipas, from which intercourse, entirely neutral, could be established

with Europe. Quintero visited Richmond, where he was applauded, and whence he returned with orders for five hundred tons of lead and two hundred thousand pounds of powder. Merchants followed him, and the border became alive with exchange. In October 1862, Quintero wrote that he could employ five hundred wagons, and soon the Confederate secretary of war reported that the governor of Texas was using as wagoners five thousand men who should be in the army. Matamoras hummed with a business it had never before known. Merchants flocked its streets, and at times as many as a hundred and twenty-five vessels anchored off the bar that prevented the city from being a good harbor. By 1863 Vidaurri collected revenues averaging at least \$121,000 per month.

Misunderstandings, frauds, remonstrances, and reprisals kept Quintero busy ; and finally the impact of the war in Mexico began to press upon him. Maximilian drove Juarez north, and Juarez drove Vidaurri. The circle closed ; Vidaurri fled to join Maximilian, and Juarez reigned in his stead. Yet the trade went on. The \$11,000,000 loan from the North had failed to materialize, and the revenues on this new trade became the price of liberty. Juarez permitted and protected this trade, as had his predecessor ; and former animosities were drowned in gold. Ultimately Maximilian ousted Juarez, but again Quintero manipulated the new personnel, and still the trade went on until the conditions that created it passed away.

The United States was not unconscious or quiescent in face of this gap, which its strangle-hold failed to cover, even inadequately ; and, furthermore, new difficulties confronted it. Military operations could not be conducted in Mexican territory, nor did the Northern blockade cover Matamoras. The region, too, was very far from Northern bases, and the climate was trying. There were operations on the Texan coast ; Galveston was captured, recaptured, and again threatened. In 1863 Brownsville, the Confederate mart across the river from Matamoras, was taken and held, but the trade re-established itself upstream. Apparently it was easier to stop the trade of Matamoras with the outside world than to police the hostile valley of the Rio Grande. On

February 23, 1863, the *Peterhoff*, a British vessel inbound to that port, was stopped and taken before the prize court. The decision of the United States Supreme Court was that the vessel must be released since no blockade existed, but that a portion of the cargo consisting of contraband of war should be condemned on the ground that its ultimate destination was for the use of the Confederate forces. This second part of the decision was of great importance in the World War in the case of trade with Germany through countries such as Holland and Norway. The limitation in the first part was no bar to federal operations during the Civil War, for the case was not decided until 1866. Yet full advantage of the new policy does not seem to have been taken, and goods came in and cotton went out. Matamoras could not be blockaded, but only her trade and the fact that there was a real Mexican market for contraband and that imports were often actually for sale and not by consignment complicated the problem. Nor can it be overlooked that Matamoras was not the only avenue of exchange, and that such supply and market as Mexico herself afforded were never interfered with.

Here, indeed, was a Confederate victory almost complete, and a definite limitation was set to the process of encirclement. The question is as to its importance. This was chiefly of a local character. There was no railroad from Texas to her associate states, and the coast trade was subject to all the difficulties of the ordinary blockade. At no time was the Mexican outlet of much direct significance to that portion of the Confederacy east of the Mississippi, and after the fall of Vicksburg on July 4, 1863, the separation, as respects all trade of bulk, was complete. Texas, in other words, became once more a nation within herself. That Texas, in proportion to her population, continued to be better equipped for war than the eastern segment of the Confederacy no one can doubt. While few arms came from Mexico, her trade more nearly supplied the normal wants of her population. She was able, for instance, to import for her slaves cheap cloth of Mexican manufacture which previously had come from New England. Her open land frontier enabled her to protect the

blockade-running on her coast. In 1863 she defended Sabine Pass and in 1864 recaptured Galveston.

Thereafter, with increased supplies, she was able to fight a self-contained war with decided success. She controlled her Indians, protected her frontier against New Mexico, and in 1864 defeated General Banks's Red river expedition before it reached her territory. She asserted her state rights in the face of the Confederate government ; and General E. Kirby Smith, in command of the Trans-Mississippi department, did not have to surrender until May 13, 1865, a month after the surrender of Lee. The comparative immunity of Texas from the disasters of the war was due chiefly to her distance from the centre of operations and also, in some measure, to her free trade with Mexico. The influence of this trade, of course, extended throughout the Confederacy by relieving the East from the necessity of supplying the even less self-sufficient West, but the measure of this relief was slight.

When one turns to the hostile land frontier, it is necessary to visualize some of its essential features. In the first place, there was no continuity of confronting trenches, as in the World War, nor lines of strategic fortified positions, as has been more usual in European warfare. There were fifteen hundred miles, or for practical purposes about a thousand miles, of rolling country intersected by roads and rivers and railways, with towns situated where trade called for them. Soon some of these towns, as Washington, St. Louis, Richmond, Knoxville, and Bowling Green, were military forts. Here and there were armies, sometimes remaining for a long time at one place, often here today and gone tomorrow. Along the rivers were patrol boats, growing in number and armament, and soon constituting strong, land-locked navies ; the rivers were really connecting links, rather than boundaries, between the inhabitants along their banks. Between the occupied towns, the wandering armies, and the boat patrols with their limited paths, there were not even the invisible lines of states. There was no barrier of language or even of hostility. Unionist and Confederate sympathizers were intermingled, in the West at least, from northern Alabama to southern Ohio. In the East,

Confederate loyalty ran flush to the Potomac and crossed it into Maryland. Many in this whole region sympathized with both sides, and many were indifferent. Therefore Northern military campaigns must be carefully planned to avoid crushing its own people or letting the enemy go free.

Use and custom increased the difficulty. In the dubious border states, those who were Confederates and Unionists still in 1861 often attended the same church and were married by the same pastors. In Tennessee they went together to the polls and elected congressmen who went to Washington or Richmond as they chose. It might be thought that one could divide them by the allegiance of the judges before whom they probated their writs, but some judges continued unchanged, though armies clashed and regions altered. They went to the same banks to cash the checks for their sales, and they sought the same stores to buy California gold made into jewelry at Attleboro, Massachusetts; Georgia cotton woven in Rhode Island; Wisconsin hides made into shoes at Lynn, Massachusetts; musical instruments designed by Germans in Cincinnati; or pottery from Britain's "Five Towns," imported by New York and paid for by a bill of exchange for Virginia tobacco. Interstate trade in 1860 was vastly greater than that with other nations, but it was subjected to no census enumeration and had not known the eye or hand of government since the Revolution.

It was true that there were generally community majorities, but their pattern was intricate — country against trading-centres, river bottom against highlands. At first sadness was more prevalent than enmity, and minorities simply kept silent. As the war waxed bitterness grew. A man's basic feeling could not escape his neighbors, and majorities began to force outward conformity. Toward the end the disaffected and the guerrillas banded together, despoiled those who were known to be of the other party, and were countenanced by those of their own people who themselves would not resort to violence or theft. At the beginning, however, there was no mark of Cain, and mutual tolerance was amazing, as has been instanced in rugged Tennessee and chivalrous Kentucky.

It would require a Saladin's sword to sever the subtle ties that still crossed the border ; there were not sentinels enough to patrol the line ; there was nothing else to mark that line as it wandered between farmstead and farmstead and in and out among the customers at the village store. In fact, throughout the summer of 1861 the line was actually broken for nearly half its length by neutral Kentucky, a buffer state, on terms with both sides, a channel for communication, like Switzerland between France and Germany. Louisville was an entrance port on the Ohio, accessible to the whole North and under the same government. Southward from it ran the Louisville and Nashville railroad across the boundary into the friendly state of Tennessee.

The outlining of even a nominal dividing line was gradual and the result of many forces. Lincoln and Davis were both disturbed, Davis the more so, as the key could not be turned on cotton while such an avenue of export existed ; but each was hesitant to act lest he tip the trembling balance of Kentucky's favor. Local action, therefore, came first. Cincinnati, loyal and the rival of Louisville, was determined that traffic should cease. On April 15 and 17, bacon and arms consigned southward were seized, and the city commissioned two steamers to watch the river. The Louisville *Courier* replied : "To arms ! To arms ! — Cincinnati seizes southern property ! Kentucky, will you stand back !" Ohio negotiated with Kentucky, and when her Governor Dennison proved too gentle, mob and legislature forced him to severity. On May 24 the governors of Ohio, Indiana, and Illinois met and memorialized Lincoln to stop traffic. Already Governor Yates of Illinois had ordered his garrison at Cairo to blockade the trade going south on the Mississippi ; and as a consequence Columbus, Kentucky, south of Cairo, suddenly jumped to importance by her trade with Memphis in goods which reached her overland.

On May 2, 1861, the United States government stepped into the breach by a circular from Chase, the secretary of the treasury, ordering search of all boats and trains and seizure of goods that "you have good reason to believe is for any port or place under insurrectionary control." The execution of this order was lax,

and the trade was stimulated by the profits, for the prices of Northwestern food products in the Confederacy were double what they were in the North. On June 21 the surveyor of the customs at Louisville announced that no shipments for Tennessee would be allowed over the Louisville and Nashville railroad without a permit. With alacrity the trade changed, and goods were shipped to points in southern Kentucky, from which they were carried on by wagon. On July 13 the Washington Congress closed trade with the insurrectionary states, and on August 16 Lincoln proclaimed this domestic blockade, four months after the beginning of war.

The trade at this point seems to have been to the advantage of the South, but her people feared that cotton would escape to relieve Northern mills. The Confederate Congress on May 21 prohibited the export of that product by sea or the Mexican border, and on August 2 the prohibition was extended to tobacco, sugar, rice, molasses, syrup, and naval stores. Governor Harris of Tennessee was a vigilant warden of the marches, and on July 4 General Anderson of Tennessee seized rolling stock of the Louisville and Nashville railroad on the ground that too large a proportion of it was left at Louisville in danger of seizure by the Union. It will be observed that the bans of the federal government did not cut off trade with Kentucky; those of the Confederacy did. This was logical, as Kentucky professed to be in the Union, but was foreign territory, even though neutral, in relation to the Confederacy. Yet the Confederate action, more hampering than that of the Union, was one of the causes that turned opinion in that state, and Lincoln's laxity had its political reward.

It is estimated that the neutrality of Kentucky gave the South 1,200,000 pairs of shoes, enough flour to feed the Tennessee troops for a year, and the product of 3,000,000 hogs. In return there was little cotton and in general much smaller amounts of goods. The Louisville and Nashville railroad reported that ninety-five per cent. of its freight revenue was for goods going south. It was not barter but purchase paid in bank balances, exchange, specie, and even credit.

It is evident that neither government was in a position to carry

out a policy with regard to the land frontier during 1861. The only effective action was that of the South barring the export of cotton, which was enforced by the self-conscious class of cotton growers. During this period, however, future policies were outlined. The rule of both governments was that trade with the enemy was illegal, but both allowed exceptions. The Confederacy soon had in addition the problem of its relation to conquered portions of its territory, and on April 19, 1862, included them in the prohibited area. It continued to place emphasis on preventing the export of cotton. Orders were given to military commanders to destroy any cotton that might fall into the hands of the enemy as a result of military operations, this practice being continued to the end ; and its execution caused eternal controversies as to the responsibility of the retreating defenders or the conquerors for the burning of Southern cities, such as Columbia in South Carolina. Necessity, however, caused the Davis government to modify even this basic principle. The war department, as early as April 14, 1862, allowed exchange of produce for munitions of war, and trade extended until, on February 6, 1864, Congress once more repeated its prohibitions with the elastic clause "except under the regulation of the President." Trade, therefore, was not cut off but was regulated, the enforcement being in the hands of military officials under the direction of Davis. Need forced acceptance of a situation that was distasteful, but exchange was kept at a minimum, particularly in case of the commodity most desired and most disposable.

The Union government recognized the whole country as one ; it maintained that large numbers of loyal persons were living within the Confederate lines ; it was anxious to get out all the cotton possible in order to ease the industrial situation at home and the pressure from abroad. Promises of cotton formed more than a minor consideration in Seward's foreign dispatches. It may be added that Lincoln's constant insistence upon and belief in the essential unity of the country inclined him to yield to the operation of natural forces expressing that unity. Yet to permit Northern traders and factories, many quite willing, to put arms into the hands of the enemy to use against the boys of the North,



who were fighting to preserve the Union, was unthinkable. Grant wrote July 21, 1863: "Any trade whatever with the rebellious states is weakening to us of at least 33 per cent. of our force." While his position was based on his firm belief in the policy of attrition, the general opposition to trade on the part of military officers was doubtless affected by the fact that its regulation was by the treasury department and meant the presence in the field of officials not under their command. There is certainly this difference in the position of the two governments that the Confederacy was moved to allow trade by necessity, the Union by choice.

On August 16, 1861, Lincoln proclaimed all intercourse with the belligerents unlawful except by special license through the secretary of the treasury. On March 4, 1862, the treasury issued its first formal regulations. The purpose of these regulations was control, with special emphasis on getting cotton out of the South and in preventing articles for military use from reaching the Southern forces. Chase, however, was not a good judge of men, and his regulations were far from effective. The conditions of the frontier, too, were such that much trade was carried on without let or hindrance. On March 31, 1863, an entirely new system was set up establishing a boundary for enforcement well within Union control, ranging the Potomac, the Ohio, except for Louisville, and the Mississippi, except for St. Louis, south of the Des Moines. No general licenses were to be issued but merely permits for simple transactions. This system which placed the loyal states of Missouri and Kentucky for the most part under federal control was high-handed and illustrates the difficulty of legislating for a boundary which did not exist. A new act of July 2, 1864, passed perhaps at the instance of the new secretary of the treasury, W. P. Fessenden, put particular emphasis on supplying loyal persons in the South with the necessities of existence and in large measure made the government itself the trader, eliminating in some degree the private licenses.

The most important centre for such trade after it fell into Union hands was New Orleans. The dislocation which the separation of so great a mart from its hinterland must make was ob-

vious, and it was the intention of the Union government to moderate the shock rather than to aggravate it. Seward was prematurely promising the world two million bales of cotton as the result of victory. General Butler at once attempted to restore trade to the normal. He authorized both railroads and vessels to bring provisions from Mobile and offered protection to cotton brought in for sale. These efforts were not successful, for the Confederacy still in 1862 had popular support in withholding cotton, while the Union was unwilling to send in arms. This was not, however, the whole picture nor probably what Butler had visualized. The official system failed, but commerce under the protection of General Butler persisted. The circumstances of themselves — a city population intensely loyal to the dispersed armies across the line, hordes of speculators with noses keen for profit, salt for sale at \$1.25 a sack and worth sixty to a hundred dollars beyond the bayous over which rafts could be silently poled on a dark night from the warehouses to the Confederate camps, would have kept trade open, whoever the general and whatever his policy. Policy, however, was worth money. Chase's collector, Dennison, wrote that one man had offered him fifty thousand dollars in cash for permission to take salt over the lake. Butler, whether for cash or credit, winked as was required. The profits were enormous. His brother William was believed to have made two hundred thousand dollars in three months.

In December 1862, Butler was removed and replaced by N. P. Banks who, on February 2, 1864, wrote to Lincoln that unless federal restrictions were relaxed bribery and corruption could not be suppressed. Banks was succeeded by E. R. S. Canby, who reported: "The rebel armies east and west of the Mississippi River have been supported mainly during the past twelve months [1864] by the unlawful trade carried on upon that river. The City of New Orleans, since its occupation by our forces, has contributed more to the support of the armies . . . than any other portion of the country with the single exception of Wilmington." This was doubtless an exaggeration. Illegal trade leaves no statistics; judgments are likely to be weighted by the point of view of the person reporting, and conscientious military officers saw

the unknown looming into vastness. Still, one may conclude that the capture of New Orleans did not mean its complete loss to the Confederacy, and perhaps it was not much less useful in federal hands than it would have been had it been blockaded by the federal navy.

With the successes of federal arms, new areas for trade penetration continually opened up, and every river bank became a collecting point for traders and speculators. Those who professed to be loyal to the Union at New Bern sold the supplies they purchased a few miles away as good Confederates, and those who were indifferent to both sides, but avaricious of profits, were willing to take any oath proffered them. Trade was not free, but control was not clean-cut, even under honest agents and efficient army commanders. Meanwhile, soldiers were trading coffee for tobacco across the lines, adventurers were drinking champagne in New Orleans and Memphis, and shrewd Yankees were salting down war profits into real estate and railroad shares. Malodorous fraud muddled the names of the good with the bad and, reaching to Washington, stained the skirts of Mrs. Lincoln. It is a picture of a curious war, but less curious when looking forward to it than when looking backward from the point of view of the twentieth century. Of the extent of the trade as a whole, no estimate can yet be given, but it was large enough to be a military factor. Opinions still differ as to which side profited more.

To estimate the total effect of the anaconda as an instrument of war involves contradictory considerations, and many of them have so far resisted exact measurement. On the export of cotton the long-accepted estimate was made in his *Cotton Industry* by M. B. Hammond, who placed the amount received in Europe as 550,000 bales. The more careful calculation of Owsley makes this at least 800,000, with a possible 200,000 more coming largely through Mexico. In addition, about 900,000 bales went from the South to the North. This latter included much of the ordinary process of blockade-running, a great deal captured by Northern forces on land or sea, some by way of internal trade, and a further amount legally raised and sold in conquered territory such as the sea islands about Beaufort and plantations along the Mississippi.

This would make a total of 1,900,000 bales, of which Owsley assigned one half to the blockade-runners. While he is inclined to press the proportion of that passing the blockade, thus calling attention to its ineffectiveness, his figures will probably stand as not very far from correct.

The question of the effectiveness of the blockade, however, is a matter of importation. It was the Confederacy that wished to create a cotton famine. The North exerted every effort to prevent it, and did apparently secure better supplies for its own spinners than Europe was able to obtain. The actual effect of the coast blockade lies between the facts that field equipment, but not railroad iron, penetrated its lines. It was not complete enough to strangle the South, but it did weaken her resistance. The South, completely isolated, could probably not have held out beyond 1862; the South, in free communication with the world and with its railroads running at full capacity, would probably not have lost Vicksburg in 1863, Atlanta in 1864, nor surrendered in 1865. The measure of success which the blockade did attain was due to the clash of the courage and ingenuity of the Confederates with the power of the North. The coast could not be bottled up while Southerners were unsubdued and while within its borders products which acted as a magnet to adventurers were held.

In handling the neutral frontier of Mexico the South achieved a decided victory. It was marred but not nullified by seizures off Matamoras. Here normal trade conditions existed, except that the route of trade was abnormal and unprepared. Had Jefferson Davis succeeded in his plan when secretary of war for the United States in building a railroad from New Orleans westward to or towards California, the result might have been different. In the absence of such a road the effects of this open space of free ingress and egress were localized and rendered conspicuous in the successful resistance of Texas. Of course, had such a railroad existed, it might have meant a shift in the whole operation of the war, and might have produced a condition entirely unpredictable, but such conjecture is not the task of history, and the absence of the road is the significant fact.

Of the land blockade one may say that total prohibition of

trade was physically and morally impossible. The governments had the choice of regulation or freedom, of restraint or encouragement. The Confederate policy was most restrictive and best administered. The North on the whole encouraged it within limits. In doing so, political considerations out-weighed military considerations. Theoretically it was sound to allow trade to follow the flag and to reach the loyal beyond the lines. Continued trade had some effectiveness in decreasing opposition to war in the North, and doubtless it injured the morale of the South. Even good Confederates, who became habituated to getting their supplies from United States agents or fly-by-night traders and who sold their products unmarketable at home by the same media, began to calculate the value of independence. Not a few stored away beneath their hearth stones their greenback profits, reluctantly more confident of them than of the abundant Confederate notes losing their value as they passed from hand to hand.

Undoubtedly this political advantage would at the best have been at the cost of some military efficiency. Badly administered as it was in fact it added another hole by which the South received more things essential to war than did the North, and whatever its effects on Southern morale it was injurious to the morale of the North and forms a proper introduction to the financial debauchery of the period of Reconstruction. Trade could not have been stopped, but it would probably have been better honestly to have made the attempt off the coast than to have let the government become a partner in fraud.

One may wonder at the wealth which enabled people in the Confederacy to buy \$1.25 salt for one hundred dollars, to equip her armies with Enfield rifles, to create a navy at home and abroad, to stand the losses of captures and of destruction and at the same time to create fleets of blockade-runners and fortunes for the bold, the clever, and the wicked. After all, however willing one may be, there must be wealth if fortunes are to be built up on malpractice. The secret lies chiefly in the rise of the price of cotton, which increased more nearly in geometrical than in arithmetical relation to the diminution of the world supply. The average Liverpool price for middling upland cotton was 5.97

pence in 1860, and 27.17 pence in 1864. Prices in America, meanwhile, less affected as they were by the increased production of India and Egypt, rose still more rapidly, from 11 cents in 1860 to \$1.01½ in 1864. About 160,000 bales, exported by way of the blockade, were imported from Liverpool to New York and Boston. Cotton had, indeed, a Midas touch and turned all concerned with it to gold.

By far the larger portion of this enhanced price went into the costs and profits of war-time exportation. In the financial negotiations of the Confederacy, when debts or bonds were estimated in cotton, it was generally at a fixed price not very different from the rate prevailing before secession, fourpence or sixpence per pound. The purchases of the Confederacy and of planters, therefore, are to be estimated as limited by the actual amount got out at usual peace-time rates rather than as inflated by the rise in the world price. It would probably be too liberal to suppose that Southerners and their government got during the four years more than \$50,000,000 spending money for their cotton. In carrying on this trade the processes were more nearly primitive barter than those of a new financial system. Finance tangled up relationships at home and would have enmeshed the whole population had credit bonds not vanished with the peace, but across the borders cotton, and in lesser degree tobacco and other characteristic products, counted as cash and, except for her \$50,000,000 loan, the international trade transactions of the Confederacy left no continuing problem for future generations to unravel. Cotton, indeed, proved to be the horn of the power of the unicorn and effectively prevented that complete isolation which General Scott had aimed at. If the Confederate government and its supporters had not overestimated the power of cotton in the realm of international affairs and had used it intentionally as it was forced to do by necessity, as a lure instead of a threat, she might have proved more resistant than she was. The crop of 1861 exported and its proceeds held to account abroad would have been a weapon of rare potency.

The enveloping policy of the North then was far from realizing such a military ideal as the blockage of Germany in the World

War. The South, however, was less self-sufficient, and the pressure actually brought rendered her less a unit for defence and an easier prey to Northern armies than she would have been had no such policy been pursued or had diplomacy or the *Merrimac* opened her ports.

## CHAPTER IX

### THE GATHERING OF THE CLANS

WAR to most Americans of 1860 meant the clash of armies. It was in such terms that the majority conceived their obligations, and it was this plan that for four years chiefly filled the newspapers and controlled hope and despair and the betting of speculators. Armies were thought of as bodies of men who fight battles, and there was general impatience at the time taken for preparation. Even Rhodes, when writing of the battle of Bull Run thirty years later, thought it sufficient reply to those who contended that the battle should not have been fought to say that the South was as ill-prepared as was the North. Ignoring the fact that the importance of a battle is its aftermath, he failed to see that its purpose was the penetration of the South and that even the peaceful transportation of thirty thousand tourists into a region unaccustomed to handle such numbers requires painful and careful planning and calls for a touch of genius. There was little appreciation of the fact that a national army is a complex and delicate organism requiring trained leadership and careful co-ordination. An offset to this immature conception, which had already caused so much unnecessary suffering to ourselves and to those with whom we had fought in other wars, was the vivid realization that it was men who were fighting and not hirelings or machines. It was more deeply fixed in the public mind than in any previous war of history that Johnny or Sammy must be kept warm and well-fed, taken care of when ill or wounded, and that he possessed a mind and soul that should not be neglected.

To one travelling through the United States in the spring of 1861 a first impression would have been of uniformity, of the existence of an American people with its own way of doing things. The news of Sumter and of Lincoln's proclamation met everywhere a similar response. Where companies of organized militia existed they were promptly called out, welded into regiments by



the enlistment of those companies ready for immediate service, and offered to the governor. In Boston, New York, and New Orleans whole regiments were ready, though only those of Massachusetts were supplied with overcoats or had engaged in field manoeuvres. Such prepared units were few indeed, and nearly everywhere the work was to do from the ground up.

The initiative was undertaken by localities or individuals. Sometimes a mass meeting on the village common or in the largest church, with prayers and speeches and the exhortations by young girls, called for enlistments, and those who enrolled their names met afterwards and elected a captain and the other officers prescribed in the regular army regulations. More frequently some ardent and ambitious man of the right age undertook the gathering of his company. He solicited his associates and rode about the country-side calling the youth of the farms. In either case the nucleus gathered for drill, their officers thumbing the manual, and the men awkwardly shouldering and presenting broomsticks. So far expense was personal, the boys mostly living at home, the officers paying the board of those from a distance, and for exciting posters, broadsides, and books.

When a minimum number was enrolled word was sent to the governor who, if satisfied, assumed certain expenses on behalf of the state. He gave the elected officers commissions and authorized them to board their men at local hotels, boarding houses, or private houses, at a rate of \$1.50 or \$1.75 a week. Thus collected, officers and men studied the art of war together. At first such groups were nearly all neighbors. One town had an embryo company, the next had none. Later appeals were made to other associations that drew from larger areas. Regiments were made up of Irish or Germans or Scandinavians. While none were called as Republicans or as Democrats, leaders of the one faith or the other sought service and popularity by enlistment campaigns and attracted those who had been accustomed to give them their votes. Suggestions were made, and have since received the approval of military writers, that each congressional district be made responsible for the raising and the maintenance of a regiment. Such districts, however, were but cold geographic terms,

unorganized and changing with constant gerrymandering. The living centres of American life were the villages or towns, the country within the distance of a day's wagon-drive and return, and the state. Both armies began with such communal living and, in spite of the wash of larger waves as the war went on, it remained true that most soldiers fought shoulder to shoulder with those they had known.

The state soon called the companies, for the most part unarmed and ununiformed, to camp. They came on foot to the nearest railroad, a means of transportation which many saw for the first time, and were carried to some hastily improvised field with rude shacks — for lumber was easier to find than tents — located on the outskirts of a centrally situated city, large or small. There they were marshalled into regiments with colonels appointed by the governor, sometimes from among the rival captains, sometimes a West Point graduate or a naturalized citizen with foreign experience ; and for weeks discussion would rage over such interference with the rights of free citizens to elect their own leaders. Contracts were made for mass feeding, so unusual in America, housewives protesting that mere men could not be trusted to do their own cooking. To make them look like soldiers was a community effort. Ladies began to get together in sewing circles to make shirts and flags. Widows and spinsters bought one of the newfangled sewing machines and contracted to supply garments at sweatshop rates. Governors appointed buying-agents to secure other necessary supplies. In one state such an agent reported that he could obtain only twelve dozen socks in the leading city, and an agent was sent on to New York. The matter of arms was most disturbing. The Southern states were better supplied than those of the North, but they raised objections to turning their supplies over to the Confederacy and made difficulties. In the North the national government held most of the arms and, as we have seen, issued some to the St. Louis troops to save that city ; but in general it expected the states to arm their own troops. Soon state agents were bidding against each other and, in some instances, making bad bargains for guns discarded by the armies of Europe. In the end many regiments were handed over by their

states to the national government with cheering crowds and gaudy banners, but without arms and some without uniforms.

Ideas of equipment, however, did not end with such material things. The mass meetings which first stimulated enlistment gave enthusiastic assurance that the dependents of those who enrolled would be cared for. In many cases employers guaranteed continued wages and jobs upon return. In making such promises a three-months' war was in mind, and it is possible that they were carried out on that basis, but as the struggle was prolonged such individual pledges must have lapsed. The commitment of the community, however, was not forgotten. In various ways, according to their administrative habits, states North and South looked after deprived families. In some there was state aid, in some it was by towns or counties. As time went on in the South contributions came to be made in kind, taxes in agricultural products being turned directly to the needy. In time, also, in the North the matter became one of politics, and some communities were left without public provision. A careful study of the five states of Ohio, Indiana, Illinois, Wisconsin, and Michigan makes the amount thus contributed for soldiers' families over \$25,000,000, to which should be added about \$12,000,000 of soldiers' pay, collected for the most part from the men by state agency and distributed as they directed. Taken as a whole, the movement is strikingly significant. Dependents of fighting soldiers were not to be recipients of charity but were to be maintained as a just due. A democracy was at war, and it was confronting this problem in a manner more truly democratic than had been before achieved.

Many kindly and familiar touches were added according to the character and the habits of the different states. Wisconsin provided for the usual regimental staff an extra surgeon paid for by the state. At state expense manuals of drill were furnished at the rate of one for every three soldiers that they might learn instead of simply being taught, and local newspapers were regularly forwarded to the troops. That state also sent with each regiment a commissioner to look after its general welfare, hear complaints, and see to their settlement. It may be imagined that such irregular officials were far from popular with the military commanders,

and this parental practice was given up ; but from all states special commissioners, who transferred the soldiers' pay to their families, collected votes, and performed all sorts of special missions, were constantly keeping close the ties with home.

Such volunteer soldiers serving for an emergency were felt to stand in a different relationship to the commonwealth than those of the regular army. They were citizens away from home for the public good and should not be deprived of their right to determine public policy. The first state to give them the right to vote in the field was North Carolina, and six Southern states followed during 1861. The Northern states began to legislate on the subject in 1862, but in most of them it became a party question ; the Democrats almost universally opposed the practice on the ground of the power it gave the administration with its centralizing authority. Nevertheless one state after another yielded to popular pressure and in the election of 1864 all were free to cast their ballots in absentia, except soldiers from Indiana, Illinois, Delaware, New Jersey, Oregon, and Massachusetts. In critical elections in these latter states soldiers were often allowed, after much friction between anxious political leaders and the war department, to go home on furlough to vote in their home towns. A large percentage of the Northern army was under age, but age was far from being an absolute bar in the camp elections, and many a man made his boast in later life that he cast his first vote for Lincoln when nineteen or twenty. In general, one gathers from these separately-reported soldier votes that the army was more heavily Republican than the home communities, but the one result of major importance affected by their inclusion was the adoption in 1864 of a new constitution in Maryland abolishing slavery which would have been rejected by the stay-at-homes.

The story of Florence Nightingale was widely known and popular, and in the Northwest, particularly, almost as many girls were eager to get to the front as boys. They wrote to their governors for permission to serve as nurses in companies with brothers, fathers, or sweethearts. Governors, however, were forced to reply that this was a service conducted by the national government alone. On April 19 the foremost woman in the country,

Dorothea L. Dix, started for Washington to offer her services. On June 10 she was commissioned Superintendent of Women Nurses, and her powers were increased as the war went on. Provision was made that women nurses should be used in the ratio of one to ten men, the superintendent having full charge of their selection. Autocratic and efficient, she ruled out youth and beauty but probably provided more woman's care for the wounded and ill than any army had ever before received.

More important still was the spontaneous uprising of the women who stayed at home. Their clubs and organizations originated simultaneously with the mobilization of the troops, and local bodies merged into larger units almost as rapidly as did the companies into regiments. The most important was the central women's organization of New York City whose leaders, more diffident than Miss Dix, secured the co-operation of the Reverend Dr. Bellows and other gentlemen. A committee went to Washington and, after dispelling the suspicious fears of the surgeon-general and other army officials, obtained the official appointment of the United States Sanitary Commission. Its membership represented the best elements in American life, and it chose as its secretary Frederick Law Olmsted, whose later work at the Chicago World's Fair of 1893 was to revolutionize American ideas of beauty. In general, the Commission may be said to have done those things which otherwise would have been neglected. It afforded a splendid opportunity for the rich individualism of the war generation, while the tact of its members prevented clashes with and interference by the military authorities. Its practice was to initiate services, such as railroad cars equipped as field hospitals, and when their worth was proved, turn them over to the army. Its most important work was with regard to health. With the best medical advice in the country it issued pamphlets for the use of the untrained volunteer officers on such subjects as the selection of camp sites and diet. To the latter subject it made a real contribution which may be considered the effective basis from which developed the post-war study that has so much affected the lives of all Americans. Quite definitely it was the

activity of the Commission that formed the impulse for the foundation of the International Red Cross.

The work of the Commission was loosely affiliated with the local women's organizations everywhere. When some need or idea arose, as for lint, tourniquets, or havelocks, word ran from Maine to Minnesota, and women often sat up all the night meeting that need. Supplies would then be sent in to central depots, as Chicago or New York, and thence forwarded to the point of call. Most constant was the demand for pickles, preserved fruits, and vegetables capable of transportation, to supplement the regular army ration, which was lacking in vitamins and produced scurvy and other dietary diseases. For the first time tens of thousands heard of a balanced diet. Money was received from many sources and from two in particular. California, unable to participate in most ways, poured over one million dollars into the coffers of the Commission, while in the large cities as much more was produced by great Sanitary Fairs. Its carefully kept accounts reveal the handling of \$4,924,048.99, and it estimated the material given for distribution at fifteen millions.

The Young Men's Christian Association called attention to other needs and on November 15, 1861, appointed a Christian Commission, which was also officially recognized. Its main purpose was to supply friendly counsel and literature. Delegates, largely clergymen, volunteering their services without pay, were sent, generally for short terms, to the various camps, where they advised, exhorted, and led revivals. In all, 4886 were so employed. Christian Commission tents or huts were maintained in many places, and diet kitchens prefigured the Young Men's Christian Association practices of the World War, though licensed sutlers, plying for profits, often large, supplied most minor wants. Two hundred and fifteen libraries of selected works were sent hither and yon and there were many smaller ones. One camp reported that the works most in demand were Boardman's *Higher Life*, Haven's *Mental Philosophy*, *Uncle Tom's Cabin*, Smith's *Greece*, Liddell's *Rome*, *Students' Gibbon's Rome*, *Students' Hume's England*, and Sargent's *Three Temperance Tales*. Some

delegates distributed many copies of *The Silent Comforter*, a religious text to be hung upon the wall for the consolation of the sick and dying. Soldiers looked forward to the arrival of the Commission's bundle of periodicals, often grumbling that tracts were too numerous and the finer magazines too few. In the long winter encampments much reading was done, and good conversation was not lacking. The Commission reported the receipt of \$2,524,542 in cash and of materials to the value of \$2,952,767.75. The whole was administered at an overhead charge of 3.8 per cent.

There is almost no feature of this Northern relief work which is not found also in the South. It lends itself less well to enumeration there, however, because of the absence of centralizing organizations. The Southern armies were fighting nearer home in a familiar country and assistance was more direct. Southern individualism, too, was less disciplined to community effort. A typical illustration is the hospital maintained by a Southern woman, chiefly by her own efforts, on her own Alabama plantation, though with some assistance from her friends and recognition by the state and Confederate governments.

The governmental organizations to which the men thus raised and fostered were turned over differed in detail but were founded on the same memory. The North possessed a continuing regular army and navy. The navy was expanded, but the army only to a limited degree. Lincoln called in his proclamation of May 3 for the enlistment of 18,000 more men in the navy and 22,714 in the regular army. His first call on April 15 had been for 75,000 militia enlisted for three months. This was obviously a temporary measure, as no war had been fought with militia and as no such number of men could be expected, for the call included such states as Virginia and Tennessee. The May 3 proclamation, however, looked to the main traditional reliance of the United States in case of emergency — an army specially created — for it included a call for 42,034 three-year volunteers. It is difficult to see the legal status of these men, as the creation of a new army stretched executive authority to a surprising limit. As became usual with him, Lincoln anticipated necessity by action and then awaited confirmation from the legislature. In this instance he

secured it on July 29, 1861; when Congress gave a legal foundation to the volunteer army that mainly fought the war, though the regular army remained an active unit and the local militia was brought out in times of peril, as in Lee's invasion of Pennsylvania in 1863 and Morgan's raid into Indiana and Ohio in 1864.

Jefferson Davis had a simpler problem. The Confederacy had no continuing regular army but provided for a provisional army on February 27, 1861, and made it permanent on March 4. Henceforth there remained only the question of expansion. While, however, there was but one uniform Confederate military service, there were many state bodies as armies, provided for even before the Confederacy was formed, militia, home guards and others, whose co-operation with the Confederate forces was awkward, often involving acrimonious controversy. Davis not only had his fighting organization started first, but he kept it better in hand. The Confederate Congress adopted the principle of transferring officers of the old United States regular army to equivalent rank and seniority in the new Confederate service, and so Davis was in a position to resist political pressure, though not immune from personal and factional complaint. Lincoln's regular officers stayed where they were unless specially transferred, and so the leadership of the new army was all to be arranged. Governors of states contributing enough regiments to make a brigade claimed the right to name field officers. They had no right, but they had power. Lincoln often yielded to them, and many a new brigadier-general was as innocent of arms as a raw recruit. In his first list of four major-generals, too, Frémont and Banks were purely and unfortunately political appointments. Halleck was a genius, a man with military scholarship, who had spent most of his life as a professor; and only one, McClellan, could be considered as chosen for genuine military reasons; and his nomination also was good politics.

In both North and South the fact that the central military organization was not ready delayed the assembling of men. The more flexible state administrations brought them together before the national governments were ready to handle them. Benjamin, as Confederate secretary of war, estimated the first rush to



arms in the South as representing six hundred thousand anxious to serve. He complained he could not receive anything like that number, owing to the fact that the states withheld the necessary arms. There is no estimate of the corresponding number of enthusiasts in the North. Probably Benjamin overstated the Southern response ; and the likelihood is that, barring particular localities, there was no great disparity in proportion throughout the country. In the North, however, the responsibility for turning men away was at the door of Washington and of Simon Cameron, the secretary of war, who was quite overwhelmed with the magnitude which his office had assumed. In both sections peoples and states offered at once more material than their national governments could handle, and rejections cooled the blood of many an ardent youth.

By the spring of 1862 the situation had changed. Arms and ammunition and boots and quartermasters' supplies had been diked into their proper channels ; the governments could set in order all who came and were watching their forces. It was becoming plain that it was not a struggle to be decided by champions but by mass effort, and both sections must turn out their cannon fodder. The proportion of a population that will volunteer even in a popular war seems to be about seven per cent. The South must do better than the North and consequently felt the strain first. The result was that on April 19, 1862, the Confederate Congress passed a conscription act. This was an intelligent piece of legislation which rested on the old Anglo-Saxon conception of the obligation of all males between the ages of sixteen and sixty to come to the defence of the state. The act fixed ages, provided proper exemptions, and was from time to time amended to adjust defects or meet new conditions. The result was that everyone in the South could know what the government expected of him.

The first effect of the law was to retain in service, without the necessity of re-enlistment, thousands who would otherwise at least have been shifted about. It was largely responsible, therefore, for the trained army with which Lee executed his first great campaign of the Seven Days. The application of such a system

to the individualistic population of the South could not, however, be easy. Controversy was constant between the Confederate government and even the most helpful of governors. There was the usual shirking from service and many changes, and some lesser proportion of actual instances of evasion. There were districts, lukewarm for secession in 1861, that became cold when they felt its consequences. Yet in spite of friction and the losses that it caused, there can be little doubt that to the end of 1864 the system worked as well as any system so opposed to an inherited psychology could have worked, nor can there be any doubt that it enabled the South to prolong its resistance.

The North should have put into the field at least twice as many men as the South. Volunteering failed to attain this result. Recruitment was taken over from the state by the national government in 1861, and at first, at least, results were less satisfactory. In 1863 the proportion in numbers was turning in favor of the South. While there were enough willing to serve, those who were eager to do so were not sufficiently numerous, and it was plain that some form of compulsion was required. Davis had to deal with recalcitrants among a reasonably united population, while Lincoln dealt with the politics of a population where the balance tottered. The Northern government, therefore, approached the subject by indirection. On March 3, 1863, an act was passed calling for the enrollment of persons liable to military service. Under this act Lincoln called for stated numbers of troops. The first complete draft proclamation was issued on October 17, 1863, and called for three hundred thousand men, each state to supply a distinct quota. This system was changed the next year to one of a draft conducted by the national government.

Probably no system so bad was ever devised for the raising of an army. If there were sufficient volunteers there would be no compulsion. If not, no man knew where he stood until the necessary number to fill the deficiency of his district had been drawn from the box by some little girl or blindfolded veteran. It encountered all the difficulties that conscription met in the South, resistance being particularly strong in districts with large foreign

populations. In some communities of Wisconsin, largely populated by Germans who had left their homeland because of opposition to compulsory service, troops had to be used, and in New York City there were three days of riots. Conscientious objectors, however, made little difficulty. Quakers were allowed to do hospital and other work behind the lines. The quotas were based on population and were manifestly unjust, as the proportion of eligible males was much higher in the states of the West, with their recent migration and immigration, than in those of New England, which for years had poured forth so many of their young men. Governor Andrew, loudly complaining, demanded the right to enlist negroes anywhere and to charge them against the Massachusetts quota.

The great object in each community, however, was to escape the draft by raising volunteers, both as a matter of pride and because of the uncertainty of fate which hung over all those of draft age. One community would vote a bounty to all who would enlist from its bounds, and thus attract the eligible young men from nearby towns. Another would raise the bid. County bid against county, village against village, ward against ward. Bounties rose sometimes to a thousand dollars. Willing, patriotic youths hung back waiting for a rise. Bounty jumpers volunteered and then deserted. Agents ransacked Ireland, Belgium, and other countries and brought over sturdy immigrants to enlist and divide the bounty money. Some of them practised deception and some force and drugs; it was charged that men across the Canadian borders were kidnapped. Under the first act the situation was still worse, for a man drafted might pay three hundred dollars for a substitute and so escape. This provision was later repealed; but still, in place of either spontaneous enthusiasm or ordered acceptance, the whole picture was washed over with greed. The system did serve its purpose as a spur to volunteering; it did give bounties to a certain but unfair proportion of the men who fought; it kept the entire North in uproar, and gave to the raising of the later armies a sordid aspect which was not necessary.

One almost inevitable consequence was that stimulation was

given to the constant creation of new units instead of bringing in new recruits to veteran organizations. Ambitious junior officers, particularly if endowed with power of oratory, succeeded in getting themselves detached to raise their own companies or regiments and came back to camp with a hundred or a thousand novices to take their places next to their old organization, which was trained and efficient but depleted to a mere handful. Generals swore and administrative officers raged, but excitement and ambition, political favor, and the general hullabaloo prevented the serious business of placing men where they would do the most good.

The figures for the number raised by the Union government are reasonably accurate. The total number of Union enlistments was 2,898,304, but this included many re-enlistments; 1,580,000 different men are reported as having served, and the North is estimated as having received in gross 1,516,678 three-year terms of service. The numbers on the Confederate side cannot be ascertained because of lost records. Many Southern writers estimate them as between six and seven hundred thousand. The reports from those states, such as North Carolina, where figures are reasonably exact, indicate that this figure is much too small; and all evidence points to the fact that the proportion of the white population in service was much higher than that in the North. By very careful calculations Livermore reached a figure of 1,227,890 enlistments, a gross service amounting to 1,082,119 three-year terms. Livermore's methods, however, are somewhat arbitrary, and his results seem to me too large. Perhaps more important than total figures are those of the numbers confronting each other at specific times. In July 1861, the Union rolls carried 186,751, the Confederate 112,040; in January 1862, the Union 575,917, the Confederate 376,406; on March 31, 1862, the Union 637,162, the Confederate 424,018; on January 1, 1863, the Union 918,211, the Confederate 446,622; on January 1, 1864, the Union 860,737, the Confederate 463,181. There is no reason to suppose that to this date there was any striking difference in the proportion of those on the rolls to those actually present. Afterwards, and particularly from the late summer of 1864, the Confederate

rosters contained many names of men no longer available ; 270,000 on the rolls when the war closed were not present to surrender.

The Northern figure, therefore, grew irregularly greater until it reached, and during 1864 surpassed, the point of doubling its opponents. The Confederate strategy, during the period of greatest stress, rested upon an approximate force of four hundred thousand men which could not be increased or even indefinitely maintained. This total was far from being completely available for army work. The South was on the defensive ; and, however it might hover between the policies of concentration and of local defence, there was a minimum requirement for local needs that could not be ignored. A typical arrangement was that of April 1, 1862, when the total enumeration did not correspond exactly with the enrollment. At that time 16,897 were assigned to the defence of the "Valley" of the Shenandoah. This Valley army was a mobile force trained and led by Stonewall Jackson ; and, if not the best fighting infantry in either army, it was at least the first large body prepared to fight. Its function was to defend the gathering of the crops of the district and to possess the priceless key of Southern strategy. Its valley was connected with Richmond by railroad on the south ; and its upper entrance at Harper's Ferry, northwest of Washington, pointed at central Pennsylvania.

About twenty thousand were assigned to the defence of Richmond. It was always necessary to have a shield against the Union garrison at Fortress Monroe on the tip of the famous peninsula between the York and the James rivers — the cradle of American civilization. Nevertheless this force was never again so large, and the Richmond earthworks were sometimes almost stripped of defenders. In 1862, Lee relied chiefly on the immense cleverness of General John B. Magruder who, with Quaker guns — logs properly set up — and a skeleton force, succeeded in alarming the beleaguering corps. When in 1864 Sheridan's men brushed the works in his famous raid, their defenders were mostly clerks drawn from offices. At this time (April 1, 1862) there were troops at Norfolk, but they were soon withdrawn and that city

given up as too separated and exposed. Some fraction of that number, however, was always required to watch on the southern banks of the James against amphibious raids that might hit the vital Wilmington railroad on its way through Petersburg.

In the south Atlantic states, North and South Carolina, Georgia and Florida, chiefly along the coast, were stationed 70,796 soldiers. This arrangement, which had been worked out by Lee during his survey of coast defence, was in relatively small detachments which could reinforce each other. Their total number was gradually reduced, and from time to time numbers were hurried north to meet emergencies. Yet they proved adequate.

This left ninety thousand for the eastern offensive force, the army of northern Virginia. This total number was never free for a blow, as upon it rested many responsibilities; the protection of the whole countryside from the mountains to the coast, with railroads, homes, and growing crops to guard. Its strategic position, however, was exceptionally good; as, if on the offensive, it could unite with the Valley force or, if driven back, could aid the Richmond garrison. As it set out on its campaign to Gettysburg it was a splendid organization. Each of its three corps was a little army containing all the services, and each was under a competent and tried commander, James Longstreet, Richard S. Ewell, and A. P. Hill. In addition, there was a strong and brilliant cavalry division under J. E. B. Stuart. If a staff had been developed it would have fully anticipated the organization of separate armies combined under one administration which was used in the World War.

In the West, 16,199 troops were on patrol and garrison duty in East Tennessee. Their function was to control a hostile population and to guard the most useful railroad in the Confederacy. Their number could never be lessened and was generally very much greater than 16,000. There were 11,000 in Alabama and West Florida, mostly for coast defence and certainly no more than were needed; in fact, they had been depleted recently by transfers to the north. In the Indian territory, 9395 were chiefly Indians and drawn only once from their district. The trans-Mississippi was credited with 20,000, a number which was split

into many separate detachments covering a vast area. Their duties were soon to be immensely increased by the fall of New Orleans, and still more in 1863 when the loss of Vicksburg and of Port Hudson opened all the tributaries to the West to Commodore Foote's effective fleet of river iron-clads. To this region belonged also the Confederate army of the West, credited with 34,035, but sometimes forced east of the Mississippi. During most of the war one might then count on about 50,000 men, exclusive of Indians, west of the Mississippi, but their location, command, and subdivisions varied as a kaleidoscope, yet with some tendency for the Texas contingent to grow stronger. At the close of the war Richmond was considering the changing of some ten thousand Texans to the East, but many things stood in the way.

A garrison of 3847 was reported at Fort Pillow, the citadel of Memphis, and finally 93,883 were reported in the Army of the Mississippi, the offensive weapon of the West. When one remembers that its function was the defence of the Mississippi and of a line of three hundred flat, defenceless miles to the mountains the number was certainly not excessive. At the moment, Albert Sidney Johnston and Beauregard were marshalling all who could be spared to the far west of this line to defend Corinth, the junction of railroads to Memphis, Vicksburg, Mobile, and Chattanooga. Their defence failed, and the unity of Confederate operations in the West was thus destroyed. To move from northern Mississippi to East Tennessee it now became necessary to touch the coast at Mobile. One army could no longer strike east or west, while from their central post at Chattanooga the Union armies could be so combined. The Confederate authorities therefore rushed Braxton Bragg and thirty-five thousand men by way of Mobile to East Tennessee, and thenceforth this became the main Confederate force in the West, with a smaller separate army located in Mississippi.

The distribution of Northern troops was of a more changing pattern. The advantages seemed to be with them. There was less necessity for garrisons, and a small force in transports could immobilize a much larger number waiting on the coast appre-

hensive and uncertain where the blow would strike. The advantages, however, were fully offset in practice by the fact that they were occupying conquered and hostile territory in which everything must be guarded, particularly the long lines of communication. The Confederacy took the full value of this opportunity, and such daring and resourceful raiders as Forrest and Morgan, in their turn, immobilized probably fifty times their own numbers. The chief Northern offensive force was the Army of the Potomac. It was the creation of McClellan, who divided it into corps, less complete than those of the Army of Northern Virginia, and inspired it with a spirit and a sense of unity which remained throughout the war. Its numbers, however, varied much more than those of Lee's opposing forces, and differing counsels concentrated its strength or detached segments to other commands. Two other main offensive armies were in the West, those of the Tennessee and of the Cumberland. Each was habitually larger than its opponent, and their communications were better. The combination and co-operation of these forces formed much of the drama of the war. Beyond the Mississippi on the Union side, as on the Confederate, there was no pattern; but there was shift, dismissal, reorganization, and isolated adventure by armies, of many sizes and leaders, generally co-operating with gunboat attachments.

In the encounters of these armies there was a rather constant tendency of those of the South to suffer more heavily in killed and wounded than those of the North. There is no reason to suppose that this was due to the superiority of Northern marksmanship. Rather it was the result of a difference in tactics, the charge, with or without artillery preparation, being much more freely used by the Southerners. Welles criticized what he considered the defensive tactics of the North as being the result of West Point training. He was surely mistaken, for a greater proportion of the Southern generals were West Pointers than their opponents. One might say that it was because they were more careful students, for on the whole the tactics of the period were formed on those of Napoleon who never failed to hit the centre. The effective argument was that one should play for a smashing vic-



tory which, achieved, would inflict incomparable loss upon the riven foe. At Malvern Hill and Gettysburg, Lee aimed at such victories, as did Hood before Atlanta. No Northern army, however, was so smitten; for the flexibility of the Northern armies compensated for their defects in formal bearing. Lee and other Southern generals, however, used the charge to bewilder and stun armies that outnumbered them, and with continual success. The difference, however, was probably as much temperamental as intellectual. It is significant that the one Northern general who sought to annihilate the army of his opponent, and the only one on either side who did so, was the Virginian, George H. Thomas. The charging line, rushing forward with their rebel yell, could have been created only of soldiers of that Southern temperament.

The administration, oversight, and supply of these forces were, in both governments, in the hands of a war department. The first Confederate secretary of war was Leroy P. Walker of Alabama. In September 1861, his place was taken by Judah P. Benjamin who, in spite of his acknowledged abilities, was not regarded as successful. G. W. Randolph and G. A. Smith followed, and in November 1862, James Seddon of Virginia came in. Most observers considered his abilities slight; and, like Welles, he was a boaster. It is probable, however, that the assiduous Davis, who had held the same post in the United States government from 1853 to 1857, was in the main his own war secretary. One gets from documents and from comments a general impression of smooth working. Naturally, there were complaints and there were errors. There was friction inevitable from the causes that have been mentioned, and supplies could not be spun from wishes. It remains remarkable that so little seems to have been lost from lack of arms or ammunition. That boats and horses and, toward the end, corn and beef were not enough was inherent in the situation. The task was done at least reasonably well; and it is no reflection upon the department if, tending to decentralization, it allowed Lee to attend to much of his quartermasters' work, for no one was better fitted to do it.

The history of the war department in the North was more varied and colorful. In part, it was characterized by the excel-

lent work of some of its departments. Two of these, inherited from the old regular army, enlarged their capacity with ease and efficiency. R. M. Meigs, as quartermaster-general, did his difficult task smoothly and well. The surgeon-general's work, also, while subject to the constant and bitter attacks of the suffering and those interested in them, did what medical knowledge at the time allowed and left a record of its activities far surpassing in usefulness any that can be produced in such work in the United States army in the World War.

New developments were wisely allowed to evolve without interference. A separate organization for military telegraphs was begun almost immediately, young Andrew Carnegie being one of the first called. On October 16, 1861, Anson Steger was appointed superintendent of government telegraphs with rank of brigade-quartermaster and developed for the first time in warfare that function which is now a vital factor in every army movement. More important was the question of railroads which, after various experiments, were unified under the management of General Daniel Craig McCallum. His work ranks with that of Ericson in originality and in its importance to future warfare. The unification of railroads was more important to the Northern armies than to the Southern armies, for the Northern troops were continually occupying new territory, finding the roads destroyed; and the supplies of the troops advancing into hostile territory were dependent on tracks that were continually being damaged by enemy raids. McCallum's gangs were ever ready to rebuild tracks and trestles, to repair, to build, to operate. Nothing in the war so interested the skilled German observers, of whom one was Count Zeppelin; and on the basis of their observations the Prussian system of 1866 and 1870 was largely modelled. The Count of Paris, too, gave unhesitant mention to this novel arm of war. American observers at the time and subsequent commentators took it largely for granted. Without McCallum, Sherman could not have taken Atlanta. The railroad revolutionized warfare, but it was McCallum who made the revolution manifest.

The first secretary of war was Simon Cameron, a political boss of Pennsylvania. The war was too much for his ordinary ability.

His colleagues, particularly Chase, sought eagerly to help him, but his administration was chiefly controlled by what in 1860 was big business. He appointed Thomas Scott, president of the Pennsylvania Railroad, to the position of assistant secretary of war. Amasa Stone of Cleveland gave advice, but Cameron never emerged from his chaos and graft in all its forms — from shoddy material to unreasonable railroad contracts. He was replaced on January 15, 1862, by Edwin M. Stanton, and was finally transferred to the ministry to Russia.

Stanton was a well-known lawyer of Pittsburgh, a Breckinridge Democrat, attorney-general under Buchanan, and a severe critic of the conduct of the war. He became increasingly a personage, and ultimately was involved in a situation which will for ever divide those who study his career as to the fundamentals of his character. I may anticipate by stating that I believe those fundamentals were sound. At the same time the methods of raising the Northern troops and the political nature of many of the military appointments prevent a description of him as a great war secretary. Excuses indeed exist. Politics were certainly important, and the constant interference of the Joint Committee on the Conduct of the War, composed of members of both houses of Congress and headed by the dynamic Ben Wade of Ohio, made difficult an administration purely military. Nevertheless, wherever the fault, the picture was marred. Stanton, moreover, was slower than Welles to adopt new devices, and on the whole his department fell behind that of the navy in general efficiency. Yet Stanton was a great man acting as secretary of war. He had some of that power of inspiring effort which Lloyd George exhibited as British minister of munitions in the World War. His decisions on important matters were decisive and stood the test of time.

Military leadership was more changeable in both governments than was political leadership. Both Lincoln and Davis were commanders-in-chief of their military and naval forces. Lincoln always employed an intermediary. He favored General Scott as general-in-chief. As it was not expected that the octogenarian Scott would continue in that position, it was offered to Robert

E. Lee. When Lee chose service with his state, there was hesitation until successes in West Virginia made McClellan the logical candidate. On November 1, 1861, McClellan was appointed. His chief attention, however, was given to the Army of the Potomac, and because he failed in the peninsular campaign against Richmond, he was replaced, July 13, 1862, by Henry W. Halleck who had just captured Corinth. Halleck's appointment was decidedly not a success and he possessed little influence. On March 12, 1864, his office was given to Ulysses S. Grant, and Halleck was made chief-of-staff. Grant, though accompanying the Army of the Potomac, did not assume its command and kept himself free for his more general duties. Davis, when he came to Richmond, made Lee, who had been serving as commander of both land and naval forces of Virginia, his military adviser. When on May 31, 1862, Lee was assigned to the Army of Northern Virginia, his post of adviser was left vacant; and it was only on February 9, 1865, that he was made general-in-chief of the military forces of the Confederacy.

The active command of the engaged forces changed rapidly. Both the character of the terrain and the spirit of the people gave opportunity, almost boundless, for the display of individuality. The list of heroes and of scapegoats on both sides is as rich as the Iliad. Eight at least stand out with characters and careers that deserve study. None has received more consideration than Thomas Jonathan Jackson, creator and leader of the Army of the "Valley." Son of an English mother of exceptionally strong character and of a Scotch father, he was sturdy, fearless, and rigid in his beliefs. He could never have fought in a cause which he believed to be unjust, and he believed singly and simply. His conviction was contagious and inspired a like intensity in his men. Like the Ironsides in the Civil War of England, they fought for the right. Familiar with his region from residence there as professor in the Virginia Military Institute at Lexington, he used his knowledge with genius. Called to join the Army of Northern Virginia, at Richmond and at Chancellorsville he served as a subordinate and as a commander. His death after the battle of Chancellorsville was the heaviest single blow the Confederacy

ever received, and perhaps a blow of vital importance, for he might have won the charge at Gettysburg. His service was not without its limitations, for he was slow at a crucial moment in the Seven Days' Battle and may have lost Lee the routing of McClellan's army ; but perhaps the impossible was being asked. One doubts, however, the wisdom of the emphasis given to the study of his campaigns by the British staff, for his problems were little affected by changing modern conditions. He was fighting on the old terms of Hannibal and Cæsar, and his ability to formulate great strategic conceptions was never tested by the command of large bodies of men. As leader of a compact unit of his own he has not been surpassed, and it is useless to compare him with those who "ride the whirlwind and command the storm."

Beauregard was of French Louisiana stock, and was French to the finger tips. Doubtless he modelled himself after Napoleon, and dramatized his personality and his achievements. He possessed a vigorous and active mind and was one of the most successful of the generals after the war. He perhaps invented the cable car ; he made a fortune out of the Louisiana lottery — which one must remember was not immoral to the Latin mind as it ultimately became to the New England mind. His military conceptions were clear-cut. After Bull Run he would have invaded Maryland. At Shiloh he would have attacked in column instead of in line. While creating no such body of troops as did Jackson, he inspired his men and gave them élan in action. Personally he was unpopular with the powers that were in the Confederacy, who were strictly Anglo-Saxon instead of Latin, and he was never given command on an opportune occasion. His defence of Charleston, however, was brilliant ; and one imagines that if placed in charge in Tennessee in place of Bragg, results more decisive, one way or another, would have followed.

The great centre of controversy for those who believe that the South might have won the war in the field, however, is Joseph E. Johnston. Less striking in his individual characteristics than Jackson or Beauregard, he possessed enough personality to irk Jefferson Davis and to raise supporters. No one can challenge his ability to command large forces or his mastery of the art of

war, but the chance of giving final proof of success was twice snatched from him by circumstances. It cannot be said with certainty whether his plans for the defence of Richmond against McClellan in 1862 would have triumphed, for he was wounded just when their execution began and the movements he had planned were halted. Under changed circumstances he pursued a different method. Johnston's duel with Sherman between Chattanooga and Atlanta is a classic story in technique, but at the moment when his intended day of reckoning arrived he was removed by Davis. Many Southern military critics believe that he would have turned the tide ; but, sound as was his policy of withdrawing until he could fight near his own base, his strategic conception had already failed of its expectations. He had supposed that Sherman, drawn into a barren and unfriendly country, would be easy prey ; but the miracle of McCallum's railroad management had kept Sherman before Atlanta as well supplied as was Johnston himself.

On the Northern side McClellan remains a foremost figure. About his personality there can be less question than of the technical questions that arose between him and the administration. His letters from the front in the Mexican War show him as he was fifteen years later, a clearer thinker on military problems than most, a master of military art, and an egotist that scorned those about him. It must not be forgotten, and he did not forget, that he was always somewhat of a political figure, nephew of William F. Marcy and with the loyal support of that particular and powerful New York machine. This combination made him difficult to work with and, where politics were concerned, not a supine victim, but a focus of contending forces. No one can deny his good work in organizing the Army of the Potomac nor the quality of leadership which made him always popular with his creation. On the contrary, it cannot be denied that, approaching Richmond with his army straddled across the Chickahominy, he exposed himself first to Johnston's attack on his weak south wing, which was halted by the latter's wound, and then to Lee's successful attack on his weakened north wing. His skill and his supplies prevented ruin ; but it is not surprising that when, after

Malvern Hill, he proposed a new attempt, the authorities at Washington preferred to try someone else. He was probably right in saying that in the Peninsula he was not well supported by the administration, which kept too many troops for the defence of Washington ; but at Antietam, with an ample superiority of force and after a victory, he allowed Lee to slip away across the Potomac. He certainly failed in the Napoleonic quality of destroying his foe, waiting for the combination of circumstances which he was unable to produce.

The military man's favorite Northern general is George Thomas. His career is, indeed, flawless, and his general reputation dimmed only by the fact that he was less conspicuous than others. This, if he had any, was his fault. When in 1862 Bragg invaded Kentucky, the administration wished to transfer the defending army from Buell to his command. He refused from a sense of loyalty, and probably damaged thereby the Union cause. His successful defence of his position when Bragg unexpectedly turned on the Union army in 1863 prevented a rout and gained him the title of the "Rock of Chickamauga" and command of the Army of the Cumberland. His chief task was set him by Sherman's cutting loose into Georgia and leaving him the defence of the West, and by Hood who then attempted to break up the Union transportation system. Thomas excelled Hood in numbers, in skill, and in equipment. Nevertheless, he withdrew to Nashville and faced a partial siege. The administration, anxious for a victory, urged him forward, stormed at him, and threatened him with removal. Unlike McClellan, he neither blustered nor yielded. He was not, however, idly waiting. He was intent on doing his job to a finish. When on December 15, 1864, his troops poured over their breastworks, they did a thing unique in the history of the war — they destroyed the army that opposed them.

Sherman was distinctly an intellectual. His mind was extraordinarily fertile, and his pen flew, dashing into brilliant English — only a little too much of it. He himself stated that his inferiority to Grant lay in his indecision between the many lines of action that opened up before him. More than most men of his genera-

tion he was a professional. He was trained for military work, and to that work he would stick. This singleness of purpose was somewhat blurred for the record by the fact that his wife and her father, former Senator Thomas Ewing of Ohio, did not share it. He stated that he was master in his own house ; and in the end he generally was, but there were intervals when he slipped, as when before the war he retired from the army to make from the incipient street railway of St. Louis a fortune that did not materialize. In temperament he was social and kindly, preferring, in spite of his Ohio birth, the Southern coloring of St. Louis to post-war Washington, and having always a liking for the South and Southerners. His military skill is attested by his duel with Johnston through the mountains of Georgia.

His genius and his claim to fame rest upon the aftermath of that duel. Knowing that the rich Piedmont lay before him, aware by study that it could support his army of sixty thousand, he cut his connections and launched forth amid his enemies bound for Savannah. His purpose was to bring the war to an end by showing the South its helplessness and his power. He did not say that "War is hell" — his style was much less simple — but that was his belief. His philosophy was that attributed to the German high command in the World War. The greatest mercy in war was to have it over quickly by fighting it to the limit. The minor controversies of his march through Georgia and his still more terrible march through South Carolina will never be stilled, but his general intention is proved by its very limitations. He would not allow maltreatment of persons. He court-martialled the first offenders, and thus maltreatment was held in control. When it came to property, private or personal, he let his soldiers go without let or hindrance, and they felt secure in the belief that their commander was with them. There was no pretence that they should act as gentlemen. Ruin was limited only by the physical knowledge of the day. Least, though from a military point of view most important, was the process of tearing up railroad tracks and then with general rejoicing twisting the rails at bonfires of the fences that had made agriculture civilized. Convinced that such methods would bring speedy and desirable peace, he could



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never understand why his Southern friends refused to renew their ties after the war. His active mind, meantime, conceived solutions for the problems of the freed negroes and of peace. Acting on his military authority, he initiated a new agrarian system in South Carolina and accepted Johnston's surrender in April 1865, in terms intended to control the restoration of the Union. A hero, a devil, an overweening subordinate, he arrived with his army for the great post-war review at Washington, and shopkeepers boarded up their windows.

Above all those in the popular mind and in significance stand the contrasting figures of Lee and Grant. Lee inherited and embodied that thousand-year development from Mallory's *Morte D'Arthur*, through chivalry of the English gentleman to the Virginia gentleman typified by Washington, with whose tradition he was so closely associated. For centuries his ancestors had been told on their nurses' knees that there were certain things that some little boys might do, but not little gentlemen; and above all, little Lees. Different as were the reactions to such training, it was maintained by those who received and accepted it and passed it on. Virginia life modified and softened the code that its inhabitants inherited or copied. Younger sons were better treated than in England; and the wife, instead of the husband, ruled the social life of the home. Between Washington's day and Lee's the code had grown more tender and had incorporated more elements of democracy. Lee carried thoughtfulness for others almost to an extreme, even suffering genuine embarrassment and discomfort at failing to recall the names of persons encountered after many years. As president of Washington College, he gave one of the noblest descriptions of a gentleman ever penned, based on the existence of superiority, which he said created responsibility for others and prevented interference with them wherever possible.

Lee was one of those strong souls not afraid of losing themselves by conformity. He bore his social inheritance as he did his beautiful physique, not as something alien but as something enabling him to obtain a higher liberty. He was strongly individual, and it is impossible ever to think of him as a type. His

was no such simple problem as that of Andrew Jackson. He could not be all-absorbed in one side, but that which he finally chose received all his devotion. He was sustained by no conviction that the South was right and must win ; but as its champion he must do his best to give her the victory, unhampered by thoughts of the outcome. When that end arrived he recognized it and its consequences, surrendering his army and urging its members again to become loyal citizens of the triumphant Union.

His military ability was distinguished in its universality. As commander of the Virginia forces he made fifty thousand men ready for service more promptly than was done elsewhere in North or South. His ordering of the defences of the Atlantic seaboard has been mentioned. In his campaigns and battles he made use of every historic device of war as well as of the new art of newspaper publicity, advertising false movements to the enemy. His army seems a rapier in his hand, and his control was perfect. If a major objective were lost, then a minor one was won. Repulsed, he withdrew in good order. He fought a defensive war offensively, and the drives within his entrenchments showed him a master in their management, veiling for nine months a crumbling régime. So cautious that he was never caught, he dared to risk even adverse odds when victory would mean enough. At Malvern Hill the chances were against him, but there was a chance, and if he had succeeded the war probably would have ended. At Gettysburg the same situation existed, and he did not let the chance go by.

One special feature in which he stands supreme may, however, be singled out — that is in the reading of the mind of his opponent. He had the advantage of the West Point acquaintanceship which signalized this war, but no one else used it as he did to defy the rules of war, cannily estimating what the other army could be led to do. It is unlikely that he would have left Richmond practically defenceless in 1862 had he not been confronting McClellan. No general in his sane mind confronting a stranger would do as Lee did at Chancellorsville, divide his force in the face of an opponent of almost twice his strength, march one half of his army straight across the enemy's front, and then slap both cheeks, leav-

ing the main army free to march between his wings on to Richmond. The fate of the Confederacy, for the time being, hung on Lee's estimate of Hooker. In his judgments of his opponents he seems never to have gone wrong, and in those of his subordinates he was too trusting. His organization was weak in staff work, and the too great latitude allowed Stuart in the Gettysburg campaign may have affected the result. In that battle he should not have allowed Longstreet, who opposed the final charge, to have its ordering. His innate tenderness and his unwillingness to hurt or to control may thus have been his only military weakness.

As Lee came from the best of Virginia, Grant was an offshoot of the worst New England element. A decadent of Puritan tendencies, his father knew the law and knew not equity ; he kept out of jail. The boy hated what he saw ; he despised his father's bloody tannery business, and he revolted against that life. Quite early he shrank within himself to avoid oaths and smutty stories and people who touched him. Hard-worked always, the time came at length for him to enter his father's business and, with unusual courage, he asked respite. His father, always with some wires to pull, secured him an appointment at West Point ; and young Ulysses, conscious of the wrong of turning from the slaughter of beasts to that of men, could not fight fate, and so learned the trade of soldier. In the Mexican War he took a post-graduate course in quartermaster work ; he learned to drink in solitude to escape the boon companionship of the mess, and he soon married a wife who was personally worthy of him but of a family that with difficulty clung to a meagre Southern gentility. In an army where most of the men were drunk on proper occasions he lost his place for being inopportunistly drunk. He tried his hand at little businesses and failed, and with his wife and children took refuge at last in his father's tannery, now moved from Ohio to Galena, Illinois. At thirty-nine, with opportunities beyond those of most American boys, he was a failure whose disgust of life was drowned sometimes in whiskey but more often in romantic novels, and still more in the dreams of an imagination utterly detached from the sordid facts of reality ; he could not live on what he had but he would spend a million wisely.

When war came he quite simply offered to the United States the training he had received. The governor of Illinois made him a colonel and fortunately put him in independent command at the important post of Cairo. Knowing the trade of military organization but with no knowledge of the history or philosophy of war, he began to learn. He got nothing from books, but he was one of those rare persons who can actually learn by experience. He needed but one experience of each kind ; the chance came rapidly, and soon his mind was stored with matters ever kept before his inner eye. Here were those resources which he had spent so often and so well in his solitary, cigar-illuminated dream life, not meagre pittances for which he had no contriving sense. Now, too, companions ceased to bruise his sensibilities : if the commander did not like oaths, they became few ; if he objected to stories of a certain color, they could be kept untold. His fondness of companionship upon his own terms, which had been confined largely to horses, unfolded itself without fear of hurt. He rose with his opportunities and exhibited a freshness, untrammelled by the rules, which brought confidence and results. He was unworried because railroads upset some of the tenets of Napoleon ; perhaps he did not know that Napoleon did not have railroads. He saw the pictures of war and of life, realistically and somewhat grimly, as it was. He liked war no more than he had liked the tannery ; he never liked war ; it was not to him glorious or beautiful, but it was his trade in this poor world, and in it he had a job with the resources which he had possessed so often in his imagination.

He won the first military success for the North at Forts Henry and Donelson. Set back at Shiloh, he was not beaten in battle, and while confidence in him was shaken and once more he sought relief in whiskey, the failures of others gave him a second chance. He captured Vicksburg, which Sherman had failed to take. He opened the Mississippi and became the hero of the West. When Rosecrans was blocked in Chattanooga he was called to the rescue, and soon the bonds were broken and the encircling armies for the moment scattered. No man had three such marks to his credit, and he was called to the curious, hopeful,

but critical East. Without showing us the processes of his rationalization he now arrived at the most modern conception of the war which was attained during the contest. The purpose of the North with its superior forces was to wear away the forces of the South. Fighting must be forced ; immediate victories were immaterial. With no disparagement of his own personnel, he believed that one man was worth more to the South than two to the North. He would not exchange prisoners. His policy was attrition. To him war was no game to be played with chivalric rules ; it was not a matter of honor or of glory. It was a bloody, dirty business to be ended as soon as possible. If he could be superior, he did not feel the thrill of defeating superior forces of the enemy. He did not see ten thousand dead as more awful than one thousand, if the desired result were obtained. On the other hand, he fought without animosity and succored the suffering enemy the moment they were helpless. Thoroughly individualistic, he was modern. War was business, but in business he remained humane.

His silence and his bull-dog appearance, his square mouth and eternal cigar, with his sensitive chin hidden behind the beard of the period, have perhaps caused Grant's minor qualities of military resourcefulness to be overlooked. His Vicksburg campaign was remarkable for its originality and skill, and the matter of prisoners shows him not lacking in that kind of humorous shrewdness which has been a trait of so many Americans. The North was filled with stories of the horrors of the Southern prisons, based partly on facts which resulted from poverty of resources, partly on exaggerations, and partly on the malign psychology of war. Should Northern boys be exposed to such conditions when the North was keeping thousands of Confederates in comparative comfort ? The public was not satisfied by the response that they also were serving ; it demanded release by exchange. Grant yielded ; but he appointed as exchange commissioner "Beast" Butler who, for his conduct at New Orleans, had been officially declared by the Confederate government an outlaw to be treated, not as a soldier, but as a criminal. The clamor quieted, and the

Southern prisoners did not find their way to the dwindling ranks of Lee and Johnston.

A failure in small things, Grant was incontrovertably successful in large ones. Self-educated in the strategy of war, like Lincoln, he achieved originality. When Lincoln was assassinated, Grant became at once the most potent man of the nation.



## CHAPTER X

### THE CRASH OF BATTLE

EXCEPT for the general Northern policy of the anaconda, these forces were not animated by any general strategic concept until Grant was given command. Ideas were not lacking, and some had their effect. Lincoln was anxious to concentrate Northern forces among a loyal population in the mountain valleys, connect them with the North by a railroad to be built through Cumberland Gap, and then raid the Piedmont much as John Brown had proposed to do. This plan, however, was not carried out. The Northwest considered that the first and most important objective was the opening of the Mississippi, and its political pressure caused some emphasis to be given to that plan. Southern authorities were divided in 1861 over the possibility and propriety of invading states not yet seceded. Davis withheld invasions in that year, but thereafter such offensives were carried out whenever possible, the objective in the case of Maryland and Kentucky being to win the states; elsewhere it was to gain prestige. Southern movements have since the war been much criticized as being hampered by the defence of Richmond. It must be remembered, however, that military critics are not devoid of a tendency to be doctrinaire; and Richmond was not only the chief industrial city of the South but was a bulwark which defended the northern end of the vital Piedmont. Undoubtedly the defence of Washington was still more hampering to Northern strategy, and it was probably less important.

The chief criticisms of Southern strategy, however, have been that the armies of the East and the West lacked co-ordination and that the Confederacy did not take advantage of its interior lines. There does seem to be some justification for such complaint, and yet its degree must be limited. However much the Southern lines were within their own border, they were poor. When Longstreet was sent to join Bragg it took him sixteen days, while in ten days Hooker moved from the Army of the Potomac to that

of the Cumberland to meet him. A simple strategy might have had its gains, but these gains would certainly have been lessened by the superior mobility which the more intricate transportation system of the North gave the opposing Northern troops. In fact, transportation systems dictate the location of action, sometimes in spite of intellectual planning. The chief military feature of the war was the division of the fighting into eastern and western areas, and in the latter area a primary objective was the capture of the Southern routes of communication.

In considering the military events of 1861, one must remember that armies did not yet exist and that neutral Kentucky prevented any operations from the Appalachian mountains west to the Mississippi. Hostilities were of two kinds — local clashes, where doubtful regions were determining their allegiance, and larger movements purposeful but immature. Small irregular conflicts, generally ending in a quick victory for one side and the dispersal of the other with few casualties, were taking place here and there, particularly in Missouri. The fallen were widely eulogized in editorials and poems. Most conspicuous was Colonel Elmer Ellsworth of the famous Chicago Zouaves who was shot by an innkeeper of Alexandria, Virginia, while taking possession of that city so nearly opposite Washington on the Potomac.

More systematic was the conflict for West Virginia. This was almost an inter-state affair between Ohio and Virginia. The advantage was all with Ohio, the troops of which had but to cross the river to enter the river valleys that ran up into the mountains. Virginia was obliged to send her forces far from home across the successive ridges of the Alleghanies, which she had so negligently failed to provide with roads. The chief factor, however, was that the local population stood for the Union. McClellan, commanding the department of the Ohio, although invited across by West Virginia Unionists, would not move until after the Virginia vote on secession with its double significance, the secession of the state, and the demonstration of Union sentiment in its western area. On May 26 he sent General Cox up the Kanawha, while he himself penetrated to the north. Victories were won at Philippi, Rich Mountain, Beverly, and Carrick's Ford. He tele-

graphed on July 14: "Our success is complete, and secession is killed in this country." On July 16 the House voted him its thanks. Virginia, however, was insistent and sent Wise, who had always been popular in the West, and, finally, Lee to retrieve her errant sons. They were, however, unable to hold a hostile territory in the face of the Union armies. McClellan, having been called to Washington on July 22, was succeeded by Rosecrans who was in full possession of the mountains by October. In all, about eight thousand Virginians and about twenty thousand Unionists, nearly all of whom were from Ohio, had been engaged. It was only when their territory was thus freed that the inhabitants of the region were able to marshal their military forces.

Meanwhile, troops from all parts of the North had been pouring into Washington. It was not until McClellan's West Virginia victories in July had cleared the Baltimore and Ohio railroad of raiders and bridge burners that that most convenient route to the West was free. Until then troops from the northeast had come by way of Philadelphia, those from the West by way of Harrisburg, the two routes converging at Baltimore, which Butler's prompt action had opened up in May. The southern bank of the Potomac opposite Washington was soon occupied, earthworks were thrown up, and by July about thirty thousand men were free to march forth. Facing them at a distance of about thirty miles, was the Confederate army of the Potomac of much the same size under Beauregard, with its headquarters at Manassas Junction, where the railroad from Alexandria to Richmond met a branch penetrating the Blue Ridge by Manassas Gap and so entering the Shenandoah. In front of this as a defence ran the deep-gullied Bull Run. About fifty miles to the west the Confederate Joseph Johnston faced the aged Patterson in the "Valley." Northern opinion was very strong that something should be done. The three months that the war should last were almost over and the three months' enlistments of the militia were soon to expire. The press, headed by the New York *Tribune* and members of Congress, now in special session, voiced the sentiment loudly and scoffingly. General Scott was opposed to ac-

tion, but he always opposed action. It would have taken an administration convinced of its own wisdom, and with the confidence of the people, to resist ; and neither condition existed. A move was ordered.

Brigadier-General Irvin McDowell was in command, and the plan of battle was his. It was conditioned upon assurance that Patterson would keep Johnston employed in the "Valley." On July 16 he marched out with a precision remarkable for troops so new and established himself at Centerville within striking distance of the enemy. His arrival was not silent, and Beauregard decided to take the initiative and advance by the right flank. McDowell, too, determined to attack by the right flank, and he was the first to strike. The result was that his attack was in superior force, and he drove through to the centre of Beauregard's position. At two in the afternoon he commanded the field, but his troops, on foot for twelve hours, were now confronted by the concentration of the unused Confederate right wing and then by the dramatic arrival of some of Johnston's force which had escaped the notice of Patterson. The tide turned and became a race. The Union troops, except for a contingent of regulars, broke and stampeded. The roads were soon choked by men and artillery, Congressmen in victorias, and abandoned knapsacks. The Confederates, too, were demoralized in the pursuit and desisted at the fall of night. The rout, however, continued until the Union men were safe behind their breastworks, and some had crossed Long Bridge into Washington. It is useless to say that had the chances fallen differently, it would have been the Confederate forces that would have been demoralized. The losses show that the fighting was much less resolute than in later battles, and comments on the soundness of the commander's plan all fall before the fact that they were based on the existence of an army and not of an aggregation of partially-trained units. The responsibility was on the public, and the public took it well. The South rejoiced and the North girded itself for new efforts. Had the results been the reverse, the North would have rejoiced and the South would have girded herself anew. By no possibility would the Southern soldiers have retreated far, nor could Mc-

Dowell have advanced perceptibly into Virginia. The fact that with men so ill prepared the advantage rested with the defence was confirmed by the small but bloody encounter at Ball's Bluff, on the Virginia side of the Potomac, where Lincoln's friend, General-Senator Baker, was killed, and Oliver Wendell Holmes, later of the Supreme Court, was wounded.

At the far west of the line the war was being fought with little interference from Washington or Richmond. Governor Jackson of Missouri and the legislature gave formal authority for the raising of a Confederate army under "Pop" Price, the political leader of the state, though the supreme command passed to Ben McCulloch who was sent out by Davis. The Union forces were organized by Frank Blair and by General Nathaniel Lyon, joint saviors of St. Louis. Five thousand strong, Lyon's forces advanced southwestward to Springfield; and near by, at Wilson's Creek, on August 10, they encountered seven thousand Confederates under McCulloch. The battle was much harder fought than at Bull Run. General Lyon was killed at the beginning of a promising career, and the Confederates were again victorious. Price marched triumphantly through the divided state and on September 20 captured Lexington, on the Missouri river, which had been stoutly defended by an "Irish Brigade" of Illinois volunteers under Colonel John A. Mulligan. The attack, after Mulligan's water supply had been cut off, was marked by the clever device of advancing against the Union intrenchments behind movable bales of wet hemp, which resisted bullets and round shot.

In the meantime, at the instance of the Blairs, John C. Frémont had been appointed to the command of the Western Department, with headquarters at St. Louis, where he arrived on July 26. Frémont was a spoiled child of fortune. Handsome and talented, two things had given him importance before he was seasoned to its use. By courage and good luck he had discovered a new and desirable pass down the American river into California; and, while his subsequent explorations were less successful, his literary productions and his ability at mapping gave him the sobriquet of "Pathfinder." The second event was his romantic marriage with Jessie Benton, the brilliant and assiduous daughter of Thomas

Hart Benton, who brought Frémont into the lime-light of politics. His dashing, though probably unadvised, conduct in California at the outbreak of the Mexican War had led to his election as one of the first two senators of the new state, and an investment placed in his behalf by a friend made him, for a time, one of the first of the California millionaires. A popular reputation, somewhat like that of Lindbergh at a later period, and his political connections, made him in 1856 a presidential candidate for the Republican party which had as yet to find its leaders. In 1860 he was obviously an important figure, and the Benton stronghold in Missouri seemed the proper locale for his employment. Without the tempering of trial, his nature was not such as to resist the heady wine of responsibility. He was, indeed, somewhat in the position of a Persian satrap, and he behaved like one.

He organized his command with some splendor and little economy. Difficult of access, he appeared in public surrounded by a brilliant body-guard. Fretful of opposition, he arrested Frank Blair, member of Congress and his patron. Sensitive to flattery, he allowed himself to be surrounded not only by patriots but by sharpers. He assumed the formulation of political policies, declaring the slaves in his district emancipated. Lincoln's disavowal of this act divided public opinion ; investigators sent to St. Louis advised his removal, and supporters threatened riots and the loss of the support of the German Unionists should he be removed. Toward the end of September Frémont moved forward with thirty-eight thousand men, recaptured Springfield, and faced Price with somewhat over twenty thousand troops. On November 1, they signed a convention for the exchange of prisoners, hitherto refused by the Union government ; for the suppression of guerrilla warfare ; and for the maintenance of order by the state courts. On November 2, when he was preparing to meet the enemy which he thought was at hand but which proved to be miles away, the order for his removal arrived. His place was immediately taken by General Hunter, and the department of the West was confided to the scholarly Halleck.

The year, therefore, ended with lines intact. On both flanks the Confederates had won decided victories. The November

raids of the Union fleet and army at Hatteras and elsewhere did something, but not enough to redress the public impression of failure by the North. Her people recognized that the struggle was not to be a three months' affair, and the South had equally to accept the fact that a few frontier successes would not win her point. Both sides then settled down to earnest preparations for a war.

The fighting in the Civil War differed greatly from that in the World War. Several winter months were generally spent in camps, the men being housed partly in tents and partly in log cabins, such as Washington had used at Valley Forge. The enemy was far away and, after the inevitable earthworks and cabins had been built, there was much leisure, which each soldier employed in his own way. With the coming of spring began the weary business of marching. The railroads were more important for moving supplies than for troops. In the West, where distances were greater, river transports were much used, but for most soldiers the chief business of life was to keep afoot. As summer advanced, the heat made this very exhausting to the Northern troops and many dropped by the wayside; most of them rejoined their commands in time. No commander could be certain that any considerable proportion of his men would be at his disposal at any particular moment. According to their temperament some, as McClellan, saw only their dwindling forces; some, like Grant, guessed that their opponents were suffering also.

Except for sentinels, patrols, skirmishers, and cavalry, one seldom saw the army. Months frequently passed, even in the active armies, without a glimpse of the main army. On the other hand, when battle was joined, the enemy was generally in full sight. One looked out at the panorama of the skirmishing line, the hastily constructed earthworks, the cannon shining in the sun, and regimental lines beyond with flags waving in the distance. When the firing began the lines were seldom a mile apart; at Gettysburg, Lee's artillery was less than a mile from Cemetery Hill. The day of battle was one of hard work. Fatigue is constantly mentioned as a factor in events; fresh troops often meant victory. One rose early, had breakfast, generally having cooked it, and

started on with loaded knapsack through the misty dawn to the battlefield five or six miles away. On the spot there was the long and tiring task of finding one's place, often made more confusing by conflicting orders and changes of plan. Several more miles were thus frequently covered before all were ready. Then came the business of standing in line or deploying during the usual artillery duel which seems to have been, in general, more deadly than in earlier or later wars; particularly feared was the twisting shot of the rifled cannon, tearing holes in the serried ranks. Then came the charge and the resistance. Usually, both advancing and retreating troops fired their musketry. Overhead were shrieking shells which, compared with those of today, were toys, but they took their toll. Nearly always the defenders were behind a slight earthen breastwork and, if their position was a prepared one, an abatis of felled trees before it — a slight premonition of the barbed wire entanglements of the World War. The moment of personal conflict was brief. Gunners were bayoneted defending their guns, but the infantry generally repulsed the charge or withdrew. Several such charges and counter charges, made in quick time, pushed forward from a mile to a few hundred feet, generally determined the fate of the day. After sixteen to twenty hours, in many cases, of continued effort and tension, fighting ceased, patrols were set, camp-fires lighted, and both armies slept.

Most battles were fought in a single day and almost never extended beyond three days; the pace was too gruelling. One army or the other then withdrew and both recuperated from the strife. Under modern conditions whole armies are seldom, if ever, so heavily engaged or suffer such concentrated losses. The incidence of death or wounding, when one actually faced the enemy, was seldom as little as one in ten and was sometimes one in three. Of course, a large percentage of this was the liability to wounds which were frequently slight. If one were healthy, as most were, the chance was for a speedy recovery, but antiseptics were unknown, and treatment gave small hope of recovery if infection actually set in.

Only at Vicksburg and before Petersburg, where men could



serve in relays, was there continuous night fighting. Except in the Sherman-Johnston campaign between Chattanooga and Atlanta, and the Grant-Lee campaign from the Wilderness to Petersburg, there was seldom daily fighting, and both of these were in 1864. It was, in general, a life of strenuous moments and long intervals of work, which intervals many regarded as play and enjoyment of companionship. Opportunities for distinction were frequent and heroes many. Officers often led their men, as the grey-haired Charles Ferguson Smith at Fort Donelson, who led his raw regiments through showers of bullets, picked their way through the abatis, and with cap on sword showed where to mount the parapets. At Perryville, Bragg, thinking that two Confederate regiments were firing at each other, ordered the one nearest to cease firing. He discovered that the firing was from Indiana troops and, enforcing his command by cool insistence, retraced his way to his own men. At Gettysburg the spectacular Pickett, with his long golden locks, well-kept as those of a Spartan, was visible to both armies as his charge advanced. Advancing at Vicksburg, Grant with a few companions found night lodging a mile and a half ahead of his troops. Prudently he withdrew and awaited their oncoming. Leaders mingled with their men and the enemy, and some were lost or shot, as was Jackson at Chancellorsville. The commander of the Confederate ram, *Arkansas*, fought three naval duels exposed on the upper deck and, knocked onto his main deck with the dead and wounded, picked himself up and returned to his post.

Cavalry seldom fought on the ordinary battlefield or against infantry. When bodies of cavalry found each other, there came the dashing charge, the sharp encounter of saber and pistol, but success depended chiefly on the quality and management of the horses. Their major joy was in raids about the enemy's encampments — as Lincoln said when J. E. B. Stuart circled McClellan for the third time, "Three times round and out." Their more proper work of reconnoitering was not brought to such a fine art as in some other wars. Possibly in no other war was the alternative of using spies so easy. Both armies possessed thousands who could not be distinguished from the enemy by voice or manner.

Each army pressed into service sympathizers of the other side. Deserters from both armies were numerous and valuable. Negroes wandered between the armies, and loyalists and pseudo-loyalists were in and out of both camps. In Washington were men and women who were anxious for the success of the Confederacy, yet they were accepted in the best society. Little could be kept secret, but the true was so mingled with the false that essential points were often disguised, and less seems to have been known of the movements of the army in the Civil War than in the World War, though it was in the Civil War that the Pinkertons got their training and the impetus to found a new craft in America.

In the East, operations were chiefly confined within a triangle with a base of two hundred miles from Gettysburg to Fortress Monroe and sides of almost one hundred and fifty miles meeting at a peak at Staunton near the south end of the Shenandoah Valley and connected by railroad with Richmond. The two objectives, Washington and Richmond, lay almost due north and south about one hundred miles apart. Between them lay a plains country, changing west of this north-south line into a rolling and mounting piedmont. It was broken by rivers and creeks running from west to east : Bull Run, Acquia Creek, the Rappahannock ; the Mattaponi and the Pamunkey, joining to make the York at West Point ; the Chickahominy and, south of the James, the Appomattox. While not unconquerable, these were obstacles to direct approach. This route had the advantage to the North that it covered Washington and so allowed a maximum concentration of the Union army ; it permitted, also, or rather forced, the union of the Richmond garrison with the Army of Northern Virginia. This was the route approved by popular sentiment in the North ; and it was attempted by McDowell and Scott in the Bull Run campaign in 1861 ; by Burnside in that of Fredericksburg in 1862 ; by Hooker, whose attempt ended in Chancellorsville in 1863, and it was the line on which Grant said in 1864 he would fight it out if it "took all summer." In all cases it failed. The alternative Northern method of approach was by transport to Fortress Monroe, and thus up the banks of the James with the

navy operating on the river. Its disadvantage was that it uncovered Washington and so required a division of forces. This division was perhaps the cause of McClellan's defeat when he attempted his attack by the north bank in 1862. When in 1864 and 1865 Grant deflected his frontal assault to the south bank, he was strong enough in prestige to prevent the division of his troops by the administration, and was strong enough in numbers to meet Lee on all fronts.

From the Southern point of view this checker-board gave opportunity for more combinations. A force sufficient to cover Richmond could be held in the East, and then a large body could be speedily conveyed to the "Valley," whence by taking advantage of its many ridges and intervening valleys it could surprise some little garrison guarding a valley mouth on the Potomac and debouch to the rear of Washington. As a method of permanent occupation this was subject to the difficulty that the whole Army of the Potomac could be concentrated to meet it, while the number of the attacking army must be diminished to defend Virginia. As a method of defence, if played with skill, it was perfect, for it drew the attacking army northward. Beauregard used it in 1861; Lee used it in 1862 and 1863; and in 1864, too occupied to leave, he sent one corps under Early to repeat the manœuvre.

McClellan's campaign of 1862 has been almost as much fought over afterwards as it was at the time. When he took command after Bull Run it was universally realized that he must have more troops and time. The public, however, soon grew tired and "all quiet along the Potomac" became a byword scarcely concealing a jeer. McClellan was justifiably pleased when winter fell and prolonged his interval for preparation. An illness, the severity of which is subject to dispute, caused a further delay of action and intensified the urge for it. When in March he landed at Fortress Monroe he had as good an instrument as was possible without the tempering of battle; and he was still in time, by a swift march up the Peninsula, to catch Johnston with a force barely half as large as his own. He allowed himself to be held for a month by a skeleton defence at Yorktown; and, when he did move, his strategy of straddling the Chickahominy was based on

the expectation of co-operation with a body advancing south from Fredericksburg. When this body was withdrawn by the administration, frightened by Jackson in the Valley, McClellan was slow in readjusting his plans. He was still divided, with his larger wing to the north of the river, when Johnston attacked his south wing at Fair Oaks and Seven Pines. This faulty disposition was compensated for by good fighting and by Johnston's wound. West Point, the supply station for his northern forces, having been burned by Stuart, and co-operation with northern forces being at an end, McClellan now determined to change his base to the James river. Again he was slow, and a weak right wing was left north of the Chickahominy. Lee, assuming command, was quick to see his opportunity. Counting on McClellan's deliberation, he left a screen in front of Richmond, moved from Richmond a large force by train west in the direction of the Valley, and frightened Washington by threatening a raid past Harper's Ferry. Instead of making the raid, he ordered Jackson from the Valley to join him to the northwest of Richmond and swept down on McClellan's right flank. In the battles of Mechanicsville and Gaines' Mill he cramped the Union defence and was prevented only by the heroic stoutness of General Fitzhugh Porter and his corps from driving the Union troops into the river or to surrender. In the night they crossed. There followed five more days of active battling. McClellan sought to transfer himself to the James, Lee to smash his army during its transfer. On the whole one must here credit McClellan with the advantage. The shift was made, and Lee vainly dashed himself against Malvern Hill, where the Union army was finally stationed. The Confederate losses in the whole seven days were over twenty thousand men and those of McClellan were over fifteen thousand. Nevertheless Richmond was saved. McClellan urged that he was now in a better position than hitherto to attack, and he took the occasion to advise Lincoln on the political situation. In fact, his military chance had passed, and the administration, now advised by Halleck, was through with him. Fearful, however, of rallying his supporters by too drastic action, the administration failed to remove him but brought his best troops round to

Acquia Creek into the new command of Pope who, with "Head-quarters in the saddle," was to try again the straight downward thrust at the Confederate capital.

Lee, however, his army tired of conflict and elated by success, did not wait to receive the enemy. Moving northwest with Jackson in his van, he cleared the Valley in the battle of Cedar Mountain in August; and then, by clever movements from behind the shelter of the Blue Ridge, surprised Pope's command on the old field of Manassas and sent it scattering to the protection of the Potomac flotilla. He then left there and crossed the Potomac north of Washington, capturing Harper's Ferry with its garrison of eleven thousand, and offered Maryland freedom to loose herself from the iron bands by which the Southern leader believed her to be held. It was, in intention, the march of a liberating army and was conducted with order and due payment in Confederate currency, as yet little depreciated, for the harm done and for provisions that were impressed. Confident in the demoralization of the foe, his forces spread over a wide area, and Washington and Baltimore trembled with fear or palpitated with hope as sentiment dictated. At the same time, Bragg was giving Kentucky a like chance to declare herself and was threatening Louisville and Cincinnati. Palmerston was suggesting that it was time for the British cabinet to take up recognition, and the Lincoln administration was being attacked by both Democratic and Republican radicals. It was the high tide of the Confederacy.

McClellan was called to take over the army he had created and to save the situation. Always better at defence than at offence, he gathered his forces, which cheered his return, before Lee thought it possible and concentrated seventy-five thousand to Lee's forty, separated only by Antietam Creek. Both armies were in fighting spirit and wore out the day of September 16, 1862, with about as heavy fighting as took place during the war. Night found the Union lines advanced but the Confederates unbroken. All expected that on the next day, with fresh troops at his disposal, McClellan would renew the attack. To break the Confederate line with its back to the Potomac would go far toward ending the war. That day, however, was quiet, and

during its night, Lee, leaving his camp fires burning, made his way to friendly Virginian soil. McClellan followed, safely and slowly, and the indications pointed to another winter of quiet along the Potomac. When, however, once more Stuart circled his army, McClellan was removed on November 5, 1862, this time definitely, and the Army of the Potomac was given to Burnside, whose corps had fought well and who had led the land forces in the capture of New Bern and Port Royal.

General Burnside knew why he was appointed, and the public wish coincided with his own; he would fight. Hitting between the plans of McDowell and of McClellan, he made his approach through Fredericksburg, where the Chesapeake brought him half-way to Richmond and almost directly north of it. A stickler for form and a master of technique, he splendidly aligned his army opposite the town, then successfully on December 13, 1862, crossed the Rappahannock on a pontoon bridge and occupied the lowlands along the river. Next morning he displayed a hundred thousand men in orderly array upon a plain stretching five miles along the river and about one mile to the encircling amphitheater of low hills, where Lee awaited him with somewhat over seventy thousand. Burnside's artillery glittered from the bluffs on the far side of the river; Lee's was partly concealed by wood and brush. It was a master stroke of theatrical arrangement, and motion-picture producers may well lament a lost opportunity to depict the glories of blue and steel, with banners flying, that swept up the hill to be mowed down with musketry and tearing shot. J. T. Meagher's Irish brigade from New York was so slaughtered that many Irish believed it purposely sacrificed and were hardened into hostility to the war and, next year, to the draft. There was no such intention to sacrifice but, if stupidity be culpability, few generals of ancient or modern times rank with Burnside in the guilt of manslaughter. On January 26, 1863, he was replaced by another of the corps commanders, Joseph Hooker.

Hooker gave the armies four months to recover and moved for the spring campaign in May. Using the same base as Burnside, he moved more cleverly and outwitted Lee. Feinting at Fred-

ericksburg, he crossed farther up, where he flanked Lee and stood on the straight road to Richmond with nothing but its earthworks to keep him out of the city. Lee, caught away from his base with less than sixty thousand men and a hundred thousand foes threatening both flanks, confronted the greatest emergency of his career, but so did Joe Hooker. Lee's calculating rashness never rose higher. Leaving one of those prickly divisions, which knew so well how to simulate an army, to hold the feinting force of Sedgwick at Fredericksburg, he detached Jackson to march straight across Hooker's front, his dust visible to the Northern line, with orders to attack from the west. He himself led a marching assault from the east. Both Union flanks were driven back, and Hooker, partly dazed by a falling pillar of the Chancellorsville House, was finally forced to turn the command over to General D. M. Couch. After desperate fighting and terrific losses, he withdrew across the Rappahannock. Another offensive had recoiled.

Then followed the most momentous strategic decision of the war, the wisdom of which may for ever be debated. All was quiet on the eastern front. In the west Grant was pounding Vicksburg, and Rosecrans was manœuvring into Chattanooga. It may well be argued that one of Lee's three corps might well have been sent west and might have turned the scale at one or both of those pivotal points. Lee chose to invade the North. Of course, no one can tell what would have been the result of a western division or how many Northern troops would have been speeded to meet Longstreet or Ewell. It must be remembered, too, that Lee was not in general command and was loath to proffer advice outside his own territory. The motives for his action, however, deserve consideration. One was the matter of supply. His army moving north could live on the enemy, and the drawing of the Northern army to follow him would free Virginia to raise a season's crops. These results were attained. There was now no hope of detaching states, but the elections of 1862 had shown a large proportion of Northern voters against the administration. If this meant, as the South argued, opposition to the war, would not invasion — an orderly invasion without horrors — deepen this

sentiment ? Then, too, Lee hoped to win a battle, hardly to dissipate the Army of the Potomac and certainly not to occupy hostile territory, but might not such a battle won on Northern soil clinch the argument of those Southern advocates who just at the moment were driving for recognition in the British Parliament ? This was not the highest tide, but Napoleon and Roebuck and Hotze and Lee, with the *Times* behind them, were making a final bid for victory. The Southern cause could hardly win merely by staving off the ever-increasing weight of Northern resources. Lee chose, as so often, attack as the best weapon of defence.

Lee carried out his campaign brilliantly but not perfectly. With complete success he withdrew his army from Hooker's front, launched it through the mountain valleys, and was first heard of as his column advanced with no opposition into the heart of Pennsylvania. Hooker volte-faced and started to hit Lee's communications, but with the troops on the march he was superseded and the command given to still another corps leader, George Meade. Unflurried by the change, the army proceeded at top speed, Meade aiming to parallel Lee's march in a valley nearer Washington. Stuart's cavalry on Lee's right flank had the function of watching for such a movement but, fascinated by the easy road through enemy territory and the joy of alarming with their guns the burghers of Harrisburg, they let Meade advance unnoticed so far as to render the concentration of Lee's corps, scattered for the collection of supplies, difficult. Of course Lee expected to be followed, but he was unwarned as to the imminence of the Union army and was surprised at its speed in following him. Guarding his return route, he had selected a defensive position where he could stand and await attack. In fact, the site of the expected battle was the result of accident and obliged him to take the offensive.

Gettysburg was a site well designed for battle and not unfavorable to Lee, as the Union army was on a ridge plateau too small for the effective use of its superior numbers. Opposite and opposing the Union troops, Seminary Ridge was a good situation for his artillery. Lee was first to assemble his army and two days of battle drove the Union army to its citadel on Cemetery Ridge and



Round Top, where a break in the lines must mean rout and demoralization. Lee determined to attempt the break. Longstreet, whose force occupied the centre from which the bolt was to be launched, opposed the charge. Controversy has ever since raged on the main point and on minor issues involved in it. Had the charge not been made, critics would for ever have agreed that it should have been made. As to its making, it seems that the artillery preparation was ineffective, partly because ammunition for Lee's guns was running low and partly because of atmospheric conditions. Longstreet is charged with using fewer men than Lee expected. Upon Lee, however, must fall the chief onus which he gracefully accepted. He should not have given the supreme chance of the war to an officer opposed to his policy ; and he should have ordered, not advised, the composition of the advancing line. That line reached and poured over the Union front. It fought, staggered, and returned.

The day following, July 4, the two armies bound up their wounds and rested, watching each other. Lee had shot his full bolt, every Confederate had taken foot, but what of Meade ? He had thirty thousand troops unused or used but little, his enemy was more tired than he ; its artillery ammunition, though Lee did not know it, was almost exhausted. Victory must catch and destroy the sword of the Confederacy ; defeat would not have endangered the North. In the night Lee with his rich train started, veiled by a ridge, for the Potomac. Meade followed and reached him before he crossed, and for some days the armies faced each other. Lincoln fumed, but no order for attack was made, and Lee once more retired to Virginia, thwarted but intact.

The victory made Meade impregnable, but the administration did not regard him as the man to win the war. He remained in command of the Army of the Potomac, but an undistinguished man from the West arrived at Willard's Hotel, in shabby uniform with four stars sewed to his collar, and was entrusted with the whole field of war. Grant kept Meade at his post but he accompanied the army and gave it the tasks. When spring came, Grant ordered the forward movement of the whole line with the double object of thinning the Confederate line by employing it at every

point and of weakening it by continued hammering. In the East, Butler was sent, escorted by the fleet, up the James to City Point to threaten Richmond while Meade, with Grant accompanying him, made the usual attack on Lee. The latter movement began on May 1, 1864, to the north and west of Hooker's advance. Lee, as ever relying on offence to ward off his opponent, assaulted in the Wilderness, and battle raged for three days. Lee held his ground, the losses were much as they had been at Fredericksburg and Chancellorsville. The Union men expected the usual recoil and respite. Instead, they were ordered southward by the left flank, beyond Lee's position. Fatigued and sick of battle as they were, they cheered this new strategy, and from that time their confidence in Grant did not falter.

The campaign became a wrestling match. Lee met Grant at Spotsylvania on May 10 and 12. Once more both armies held and drew apart, once more Grant moved southward by the left flank. A similar encounter occurred May 21 to 31 on the North Anne; and on June 1 Grant found himself at Cold Harbor, a post in the central defence of Richmond. Once more he prepared attack. His men believed the attempt hopeless and their lives forfeit; many made their wills. They were right. The Union losses were among the heaviest of the war, those of the Confederates slight. It was a disproportion too heavy even for a policy of attrition — a mistake. To this point Lee must be held to have had the better of the encounter. Butler had been immobilized by a small force across the bottle-neck of Bermuda Hundred, as Grant, to his later discomfort, had remarked. Richmond held. Grant, however, still moved by the left flank. Unexpectedly he crossed the James below Richmond, incorporated Butler, and all but broke Lee's vital line to Wilmington at Petersburg. He did not quite succeed, and the bulk of the two armies faced each other anew behind growing entrenchments between the James and Petersburg and then southward along the railroad. After an attack June 15 to June 18, Grant prepared a mine which exploded on July 30, but which failed to open a way.

Lee, held by continued hammering, could not take his spring jaunt northward but sent Early in hopes of diverting Grant and

the little church of Shiloh, and but twenty miles from Corinth, Mississippi, through which passed the Charleston and Memphis railroad, with connections to Vicksburg and Mobile. The stilletto had pierced to a main artery.

Behind the screen of woods at Corinth, Johnston sought to rally for a counter-blow. Abandoning the conception of a fortified frontier, he sought to defend by concentrated effort. Beauregard was sent to advise with him, and forty thousand troops were collected. Grant had about as many, and Buell with twenty thousand more was on his way to join him. The clock was set for Johnston if he were to deflect the final threat. He determined on attack and, in spite of difficulties with raw troops and misunderstandings, achieved on April 6 a surprise. In line, it is supposed in contradiction to his own desire for columns, he drove the Union army almost into the river — almost, but not quite, for Grant maintained his final stand until Buell reached him. Next day they counterattacked, and in that night Beauregard withdrew to Corinth.

It was the bloodiest battle yet fought, and the heart of the West poured out. Governor Harvey of Wisconsin, heading a relief expedition, in the darkness stepped between his steamer and its mooring-place into the river and was lost. Grant was blamed for the surprise, and his fame was tarnished. Halleck came up to assume command and with slow majesty moved on Corinth which fell, without a battle, on May 30, 1862. The hosts dispersed. Opinion in the Northwest demanded the opening of the Mississippi, and Halleck moved the larger part of his forces toward Memphis. Buell was dispatched to take Chattanooga. On the Confederate side Beauregard was in ill health, and his place was taken by Bragg, who left an army in Mississippi for the movement under Van Dorn and Price, while he himself with thirty-five thousand, his infantry by rail and his cavalry and artillery by horse, went eastward to meet Buell with the hope of retaking Nashville and so cutting federal communications, already impaired by active Confederate cavalry. The Union advance had been too sudden and far-reaching to be maintained without a contest.

Corinth itself was too valuable a prize to abandon and, its garrison being depleted, was attacked by Van Dorn on October 3 and 4. Rosecrans, however, routed Van Dorn's dramatic wedge-shaped assault and gained new laurels. The main contest, however, shifted eastward and was waged with planless inconsequence. Buell, aiming at Chattanooga, moved very slowly up the Tennessee through northern Alabama. Bragg, spurred by Kirby Smith who possessed an army of about twenty-five thousand in East Tennessee and urged by eager Kentuckians, abandoned his blow at Nashville and determined to strike north. Smith emerged from his mountains and moved on Cincinnati; Bragg from the Chattanooga gateway started for Louisville, confident that Buell must follow him. The Blue Grass saw again its wandering sons, and the governor they had elected was inaugurated at Frankfort. Their designs were suspected and their armies were apprehended at Cincinnati and Louisville, which frantically girded themselves for attack, throwing up works and gathering thirty thousand raw troops. Fat cattle and horses renewed the slender supplies of these swarms from the hungry mountains, and wagons creaked with hog and hominy; but less than a brigade of recruits applied for rifles which Smith and Bragg had brought for them.

Buell beat Bragg to Louisville and, collecting scattered commands, moved out to meet him. Surprised though he was, Bragg took the offensive and won a victory at Perryville on October 8. He used, however, the respite it offered him to withdraw Smith's army and his own, with their trains, behind their mountain barrier, with Buell in slow, respectful pursuit. Both Bragg and Buell were scorched by the press of their sections and were criticized within the commands when the end of the campaign found them where they were at its beginning. Buell was replaced by Rosecrans, fresh from the defence of Corinth, and Joseph Johnston was put in general charge of the Confederate West, but he was not allowed to assume direct command of either the army in Mississippi or in Tennessee, and Bragg still held direction of his troops, though without the confidence of his corps commanders. Bragg, perhaps to retrieve his reputation, but more probably be-

cause he believed that Chattanooga could best be defended from a position west of the mountains, once more moved out before the year ended and established himself at Murfreesboro with the Stone river in his front. Rosecrans, appointed to do something where Buell was supposed to be lethargic, advanced against him. On December 31, 1862, and January 1, 1863, they fought — Bragg with about thirty-five thousand, Rosecrans with forty-two — one of the fiercest battles of the war with losses proportionately heavier than in any large encounter that had yet taken place. Of the Union army, 225 in each thousand were hit, of the Confederate, 266 in each thousand. Neither army broke, but Bragg withdrew, and winter brought a needed rest. The end of 1862 confirmed the Union triumph of the spring; rich territory had been taken, and the northern line of Confederate rail communications had been definitely broken.

Meantime the struggle for the Mississippi was developing, followed by a popular interest rivalling that directed at Virginia, and was crowded with dramatic incident. The arms of sea and land often mingled in a whole that was barely one or the other. Torpedoes and cavalry, gunboats, skiffs in plenty, canal diggers, sappers and miners, lumberjacks, and railroad engineers played their part; the river, with its swift currents, its bends, its swamps and bluffs, its tributaries, and its snags gave unity. One wonders if Mark Twain, away in Nevada, would not have been drawn by Lincoln, his hero, into a different life had he not made that false start by first taking the side on which he did not belong.

Grant, on November 7, 1861, made the first move to Belmont, but it ended disastrously. His next was indirect but more effective. The capture of Forts Henry and Donelson caused the evacuation of Columbus, the Gibraltar of the West, without the necessity for a shot. He had struck the proper mode of attack and, with the capture of Corinth and its railroad connections, Memphis and everything above had to be abandoned; with a determined drive from Corinth south he would probably have met Farragut who, on April 25, 1862, awed New Orleans, and have had the run of the river north to Vicksburg. This, however, was too slow and too paltering for insistent public opinion. Is-

land No. 10 in a sharp bend in the Mississippi river had been fortified as a new gate and early in April was attacked by Foote with his fleet and by Pope with troops in transports. It fell on April 8, and Pope took seven thousand prisoners and made a reputation which soon caused him to be called east, where he lost his reputation. On June 6 Charles H. Davis, having succeeded Foote as flag-officer of the Mississippi flotilla, encountered the Confederate river fleet before breakfast, and in one hour and a half destroyed it in a spectacular manner, only one Confederate ship escaping. The river was now open north to Vicksburg, but Port Hudson, which had been successfully fortified by the Confederates, limited the activities of Farragut and Banks. Those fortresses, almost one hundred and twenty miles apart on a straight line, protected the river between them and the mouths of the Red and Arkansas rivers and bits of railroads that penetrated a few miles westward, thus preventing the Confederacy from breaking at this dangerous crack.

On March 8, 1863, Farragut and Banks attempted to capture Port Hudson, but were forced to retreat. On May 27 they tried again and were defeated with serious loss. They then settled down to a siege, during which the honors seem to have been with the garrison. Similar attempts fell equally harmless against Vicksburg, stately on her high bluffs, at the inner end of a long bend, each lane of which was raked by her guns. To the north her flanks were protected by the swampy mazes of the Yazoo, flanked far up by Haines' Bluff, the clayey slope of which was difficult enough to climb undefended. Sherman and McClelland and, finally, Grant beat against this soft but prickly front in vain. The strongest inland navy of all time, in mere numbers, and perhaps as effective as Dupont's fleet at Charleston, could not get near enough to do its work. Through it ran the Confederate ram, the *Arkansas*, and lay defiant at the Vicksburg docks, a magnet for daring but futile enterprises.

To the south and west of Vicksburg the country was dry and highly cultivated. To reach this was Grant's aim, and he experimented with a canal through the far end of the low neck opposite the city. Finally he marched his troops across, and in April

two successive fleets of gunboats and transports ran the gauntlet of the batteries through a hurricane of shot and shell. The Union forces could not return against these guns plus the swift current, but they could operate between the south side of the land and whatever southern point Grant should select. Sherman advised Grant to establish such a base before venturing forth. This was not Grant's intention. He found himself with thirty-three thousand men behind positions in which were about sixty thousand. He aimed to defeat Johnston and Pemberton separately before they could concentrate on his army, meanwhile living off the country, and it was perhaps here that Sherman acquired the confidence for his own breaking away from his supply base the next year. Wherever they passed the night Grant's men set the plantation mills grinding, subsisting while they mixed their coffee and sugar. Grant was not eager for destruction, but took what he needed and burned factories which supplied goods to the Confederate armies.

Meanwhile he struck first eastward, defeated Joseph Johnston and captured Jackson, the capital of Mississippi. Abandoning it, he turned west and on May 16 defeated Pemberton in the bloody battle at Champion Hill. Always he continued to have the superior force. Driving Pemberton into his defences at Vicksburg, he twice assaulted them and failed with heavy losses. On the nineteenth he began a long siege. He established communication with the Union army north of the Yazoo, fortified his lines to the rear against possible relief from Johnston's growing army and, with the aid of the fleet, for forty-seven days directed all the engines of warfare, with shell and mine and sealed gateway, against the doomed city. On July 4, while Lee was planning his withdrawal from Gettysburg, Grant accepted surrender and paroled the garrison. Port Hudson could not stand alone and capitulated on July 9.

The Mississippi was free to the sea, the Confederacy was riven in two. Such statements must not, of course, be taken as absolute. Danger still hung over Unionists who used the river and, with over three thousand miles of inland waterways to patrol, no complete blockade could be established. Mail, troops, and sup-

plies still stole by night from one bank to the other, piloted by those familiar with the river, but not in such bulk as to determine major operations. This clearance of the great river may be taken as the second real step in conquest. Corinth halved the east-west railroad system of the Confederacy, while the fall of Vicksburg cut off a division of it. A third step was already being taken. Halleck, after Corinth, had been right in striking for Chattanooga. It was the key to the shortest line from the southwest to Richmond, with Atlanta to the south in Georgia and with Lynchburg opening Virginia. When Rosecrans supplanted Buell, Chattanooga was still the objective, and with the opening of the season in 1863 he began his movement, using his superior numbers to flank Bragg by pushing his right wing far to the south. Pushing eastward of the Tennessee where it began its turn to the north, he worked himself between Bragg and the Georgia line. Bragg vainly sought to distract Rosecrans by a raid northward, which Morgan made across the Ohio river, alarming and rousing southern Indiana and Ohio and ending in prison. Whether by Rosecrans' skill or Bragg's lack of it, the former succeeded in forcing the latter out, and on September 9 achieved his goal with almost no bloodshed. Burnside, meanwhile entering the northern end of the Valley, cut off the garrison at Cumberland Gap and occupied Knoxville. This was a loss the Confederacy could ill brook, and now occurred the one striking instance of correlation between the eastern and western fronts. Meade seemed contentedly resting from the victory of Gettysburg, and Lee dared to send westward Longstreet, with a portion of his corps, to Bragg's command. With sixty-six thousand men Bragg turned unexpectedly on Rosecrans with fifty-three thousand. For two days, September 19 and 20, a battle of fierce intensity was waged, and the Union army was driven from the field of Chickamauga, except for the corps of Thomas, the "Rock" which finally had to be called in. Rosecrans took refuge in Chattanooga itself, and Bragg followed. That city was not easy to take, nor was it convenient to hold. To the west a solid ridge, rugged going for hardy footmen, ran to within a few feet of the river brink. To the south were other ridges from which Confederate artillery



commanded the roads. To the west were mountains and hostile territory. Northward ran the broad valley which was blocked by Longstreet. The very size of the Union army might be its destruction, for men must be fed. Bragg complacently sat on his hills and awaited the process of starvation. So confident was he that he dispatched Longstreet up the valley to deal with Burnside at Knoxville which at the northern end blocked the road to Virginia as did Chattanooga to the south ; and perhaps Longstreet went the more eagerly, as it brought him nearer the entrance to Virginia in case Lee needed him.

Meade, however, did not take the occasion to march south but detached Hooker with his corps and other troops to equalize the balance in the West. Grant meantime arrived to deal with the Rosecrans dilemma. The Northern army was on half rations, but Bragg was unwary in supposing that Northern ingenuity could not deal with the supply question before winter came to complete the blockade. Grant created a "bread line" across a narrow neck beyond reach of the Confederate batteries. He visited Chattanooga, then Hooker to the west ; he replaced Rosecrans with Thomas, and made his plans. With all in readiness, on November 24, Hooker attacked Bragg's weak left flank, confident in its position on Lookout Mountain, and won the small but brilliant Battle of the Clouds. The next day Thomas attacked Bragg's centre in the valley, while Sherman attacked the key to the position — their right flank on Missionary Ridge. In a battle of small losses the Confederates, now inferior in numbers owing to Longstreet's absence, gave up the field, and Chattanooga was safe. Reinforcements sent north saved Burnside at Knoxville, and Longstreet retired toward Virginia. The third major objective had been achieved ; the Confederate transportation system was still further demoralized, and the loyal inhabitants of East Tennessee were freed from hostile control. In taking each of these three steps Grant had played the leading part. He was now summoned to Washington to direct the field. His place in the West was given to his trusted Sherman, with Thomas in command of the Army of the Cumberland which he had saved.

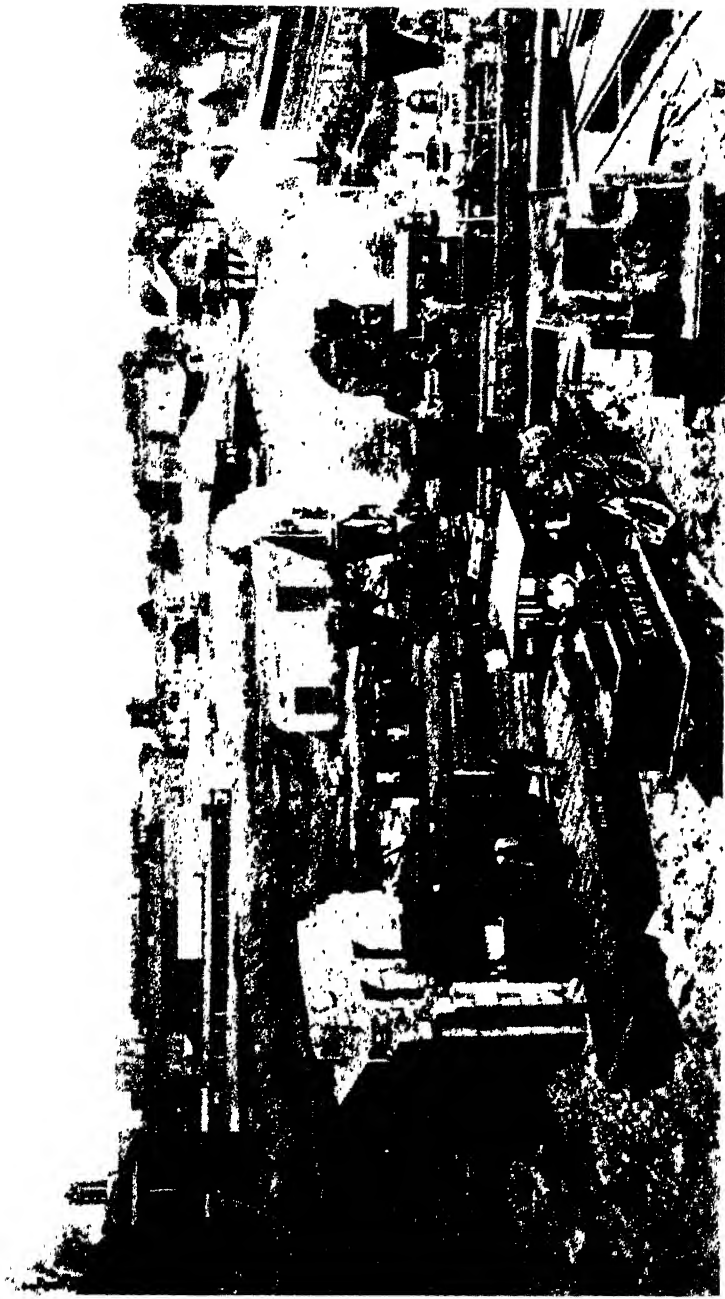
From Chattanooga south the Western and Atlantic railroad

ran twisting round ridge ends, nosing its way to Atlanta. This, it was clear, was the next point of attack, for Atlanta was another junction point, the main manufacturing centre for war supplies outside of Richmond, and it lay fronting the rich empire of the Georgia piedmont. Neither government was unaware of the vital nature of this struggle. Grant ordered Sherman forward and bent every energy to give him all the power at his command, an army, all told, of a hundred and ten thousand. Davis finally overcame his dislike of Joseph Johnston, put him in Bragg's place, and gradually raised his army to seventy thousand. It was Grant's idea to aid this operation by a combined land and water attack on Mobile. It was necessary, however, to humor Banks who felt the temptation of the Mississippi's western tributaries. Arkansas had mostly fallen into Union hands and was with scarcely a semblance of state government, and now the Red river lured him to Shreveport and beyond to Texas. Farragut, released from the Mississippi, was to attempt Mobile alone. He succeeded in the long battle of Mobile Bay, August 5 to 23. Banks, with forty thousand men and a gun-boat fleet, went boldly up the Red river ; but before he reached Shreveport he was met and checked by Dick Taylor. The river fell, and not only were supplies endangered, but the squadron was caught above shoals and rapids. Repulse was certain, but Banks was saved from draining the full cup of ignominy by a regiment from the woods of Wisconsin. Familiar with rivers and their ways, they dammed the Red river and brought out the fleet, swept by the rush of released waters down to calmer, deeper stretches.

The main interest and the crucial contest was the duel between Sherman and Johnston, both now experienced by victory and defeat, and their veteran armies in the height of their powers. All rose to their tasks. Johnston took position after position, not with the idea of finality, but to inflict greater losses than he sustained. Sherman took every advantage of topography to flank Johnston out of them without too great a sacrifice. During May 1864 there were encounters at Buzzard's Roost, Snake Creek Gap, and New Hope Church, with Sherman suffering about twelve thousand loss to Johnston's ten thousand. At Kenesaw Moun-

tain, June 27, Johnston, with a loss of about four hundred, took a toll of two thousand. Soon they reached Atlanta, and Johnston prepared to hold by the usual Confederate method of attack. The order was given and the men were ready when a dispatch from Davis removed Johnston and put Hood in his stead.

For Davis' action there is little excuse. At the close of 1864 he was beginning that experimentation by which Lincoln had earlier weeded his generals ; if by this time Davis did not know his men he should have done so. To suppose, however, that the fate of Atlanta was thereby changed is to take blindness rather than even conjecture as a guide. Already the battle had been fought and lost, not on the successive fields on which the armies had faced one another, but behind Sherman's line. Every resource of daring and border ingenuity had been exhausted to destroy the single line of track upon which Sherman depended, not for ammunition alone, but for sustenance in the barren area of north Georgia. From Nashville to Chattanooga, two hundred miles were defended by thousands of guards, who yet could not prevent the raids of cavalry that still found horses upon which to dash in, burn, and escape. From Chattanooga to Atlanta was practically nothing but battle-field. Spies stole locomotives and sped amuck along the tracks, spreading alarm and damage ; tracks were torn up and bridges burned. Union guards, however, drove away the intruders, and then straightway came the railroad construction gangs of Daniel C. McCallum. Prepared wooden trestles were slipped into place on the masonry piers which had resisted destruction. Ties were replaced, track laid, and train dispatchers, untrammelled by red tape, sent trains through dangers to the front. Never has the mechanical genius of the American people been so concentrated upon one industry as it was upon railroads between 1840 and 1870 ; organization and individuality joined hands to put Sherman in fighting fettle three hundred miles from his base. Hannibal, having crossed the Alps, needed recruitment, but Sherman had never lost form. To the engineers belongs the glory. That Johnston could have worsted Sherman's superior force so placed before him, there is nothing in the record of either general to indicate.



Atlanta, Georgia, 1864, when General Sherman captured it

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Hood at once began an offensive defense and from July 20 to September 2 bloody battle succeeded battle. Hood's losses were very much heavier than Sherman's, totalling about fifteen thousand to five thousand, but he was able by abandoning the city to extricate the army. With the loss of Atlanta the possibility of a constructive military program by the Confederacy fell. Technically the war was lost. There remained the question as to whether the South would recognize this result and fight to the finish, or continue the resistance of an irreconcilable populace when the war was at an end. On the side of the North the question still remained whether the sacrifices necessary to complete the conquest would be made. On March 16, 1864, Alexander Stephens made a speech at Milledgeville, the capital of Georgia, in which he pointed out that four years of war had not yet brought the Northern armies into the heart of the South, that it was only the outer shell of the Confederacy that they had broken. Ominous as such an analogy was, it was true that the meat of the nut yet remained practically intact. One could still post letters which were reasonably certain of delivery in Texas. Laws of the Confederacy were still of moment to a population of about five millions, and even on the frontiers men anxious to escape conscription had to band themselves together, while political malcontents were still in prison. State laws and courts and taxes still ran in about three quarters of Virginia, including the fertile valley of the Roanoke, in most of North Carolina, South Carolina, Georgia, Alabama and Texas, and in substantial portions of Florida, Mississippi, and Louisiana. This territory, moreover, was the richest in the South, and on the majority of plantations the women, bred to chivalric endurance, to gaiety and reticence, gave warm welcomes to heroes, turned their own clothes, experimented in substitutes for coffee and other imported luxuries, still found choice vintages in their cellars for high occasions, furnished still groaning abundance of the substantial necessities of pork and corn meal, and made furloughs festivals.

The reactions to this situation of Hood and Sherman determined the later phases of the war. Hood, despairing of meeting Sherman in the open fields of the Piedmont after Johnston's un-

successful resistance in the mountains and his own failure with the entrenchments of Atlanta as a refuge, withdrew from his enemy and lunged northwestward through middle Tennessee in a last effort to break communications. Hood has been severely condemned by military critics, but it was a desperate situation, and at best it was a chance. On November 30, 1864, he fought a hard battle at Franklin, and General Thomas, with a superior army, withdrew to stand a siege at Nashville.

Sherman equally departed from the conventional methods of warfare. Knowing the country before him to be filled with provisions, which the lack of transportation prevented from being sent to Lee's hungry veterans, he resolved to seek food where it was. He would break his communications entirely and live on the country, seeking the sea at Savannah. Meanwhile he would convince the ruling element in the Confederacy of the futility of resistance and, by making war horrible to all, would stimulate the desire for peace. On November 15 he burned Atlanta and with sixty thousand men, marching on a broad front, swept like a forest fire through the heart of the South. Lost to the outside world, his army "Marching through Georgia" met little opposition, found food in abundance, and left a trail of smoking court-houses and homes, a country bereft of fences and of live stock, and a population more bitterly intent on resistance than when his raid began. Had the South possessed the resources for recuperation, the recoil would have annihilated his forces, but the South was spent. All about the central core of the Piedmont morale was exhausted and there was impotence. From Macon he dispatched Wilson with his cavalry on a more rapid movement through central Alabama, destroying factories, bridges, and war material in Montgomery, Selma, Tuscaloosa, and finally back to Tennessee. On December 10 Sherman reached Savannah, where Hardee had rallied fifteen thousand to its defence. For eleven days the city held, but on the 21st Hardee withdrew and Sherman's junction with the fleet was accomplished. On December 15 and 16 Hood's army before Nashville was dispersed; some fragments were re-assembled far from that point and were consigned to Beauregard.

When 1865 began, the Confederate Congress was considering

the use of negro soldiers ; Davis was considering giving the general military command to Lee ; an inner circle was hoping for the success of the Kenner mission to Europe. Grant was making perfect plans to envelop Lee, and Sherman was planning to push his lesson home. The success enabled Sherman to move first ; and, crossing the Savannah, he moved through South Carolina more like an angry war god than he had been in Georgia. In the whole North, South Carolina was held chiefly responsible for the war, and a desire to inflict punishment added a zest to destruction. Officers combined with men and sent home as souvenirs rich heirlooms, some of which were returned in after years. There is dispute as to the responsibility for the destruction of the capital, Columbia, but not in the valley of the Ashley, where every mansion was ruined except Drayton Hall, saved by a clever negro boy who told the raiding party that the mistress was ill with smallpox. Charleston fell before this attack from the rear. A swath many miles wide, zigzagging through the state, was laid waste; and Sherman turned into North Carolina, where he found before him a small army under Joseph Johnston.

Grant, starting earlier than was usual, began to withdraw his left flank beyond the reach of Lee's shrunken army and prepared to meet him ; but this flank had lost its value with the fall of Wilmington. On Sunday, April 2, Lee notified Davis that he must prepare to evacuate Richmond and that the army would seek quarters with Johnston. The armies moved southwest, the vastly superior Northern forces, now exultant and with fresh horses, gradually surrounding the Southern army. At Appomattox Court House on April 9 the circle was completed. Lee surrendered, advising his men to become loyal citizens of the now triumphant Union, and discontinued all attempts to sustain a guerrilla resistance. Grant allowed them to disperse for the spring harvest, permitting them to take with them their own horses. On April 18 Johnston surrendered to Sherman ; on May 8 Dick Taylor in Alabama surrendered to General E. R. S. Canby ; on May 10 Davis was captured in Georgia. The war was over.

In reviewing the military resistance of the South, it would seem that Gettysburg represented its last chance of winning a peace



by arms. It then became the function of its armies to maintain their front until the Northern people had a chance to declare themselves in the November election of 1864. The fall of Atlanta in September represented a partial failure in this objective, though Lee's firm front at Petersburg disguised the event. After that election in the North there remained for the South no signal military purpose. It is not easy to estimate the efficiency of the final Northern drive. It is not probable that had Hooker moved on Richmond instead of retreating, submission would have followed, but if Meade had routed Lee at Gettysburg the war might well have ended a year earlier. From the time Grant took command, hostilities were pushed to the limit of capacity. His judgment was undoubtedly correct in estimating that the South would yield only with the exhaustion of her resources.

## CHAPTER XI

### EMANCIPATION

AS THE military struggle was divided into an eastern and a western scene, largely unrelated in action but interdependent, so the three great fields of war activities — foreign relations, battles, and politics — seem singularly separate in spite of their vital relationship one to another. The Confederacy failed in diplomacy but kept a door sufficiently open to foreign trade to provide for the needs of the battle-field. It failed to win victory in the field but held its face to the North long enough to allow that section two opportunities for a change of attitude. While generals and ministers were marshalling and employing the resources of the two sections, the statesmen and politicians of the North were exerting the utmost of their powers to determine the mind of the North.

This was indeed the pivot of action. The North was certain to conquer an isolated South if the North maintained its determination for a long enough time. Would it do so? The decision was almost unanimous in April 1861, that the Union was worth a three months' war. Was it worth the cost of two years of mounting effort? Was it worth four? Would more time be necessary? At any moment it could have peace by recognizing separation. It was but a minority who would be affected in their pockets by the loss, and it would take many years of peace to compensate for what the war took from those pockets. Daily the horror of the war was brought home to families and communities by the casualty lists, and it rested on those communities to stay the death of those loved young lads who look at us today so stiffly from their tintypes and daguerreotypes, immortal youths with just enough of maturity to give their lives to a holy cause. Issues never remain static, and what one starts to fight for undergoes continual changes which shift and divide allegiance. Would the hot fire of enthusiasm of April 15, 1861, weld old divisions into stable unity, or would they reappear, or would blows shatter the vessel of unity into new fragments?

The attitude of the Southern leaders toward this situation was surprisingly passive. They knew the importance of Northern politics but made little attempt to play them. Not until the election of 1864 did Jefferson Davis appear as a figure, and then his gesture was ill conceived. Stunned by the unexpected unity which started a war of invasion where they had hoped for the neutralization of Northern strength by internal strife, Southern politicians abandoned all effort to deal with a psychology which they could not understand, if indeed the actual leaders of the South had not abandoned it when they nominated Breckinridge in 1860. They played their own game and guessed, generally incorrectly, how the cards of their opponents would fall. In this respect the contrast between Davis and Lincoln is most marked, for the latter never lost sight of Southern opinion; and while he was very far from a complete understanding of the Southern point of view, he related it to his actions and aimed with his enduring patience and shrewdness to undermine the morale of the Confederacy, both as a war measure and in preparation for the restored Union which he sought.

It might seem that the Confederacy was safe in abandoning the field of Northern politics, since the South retained in the old Union the governments and representatives of four slave states — Delaware, Maryland, Kentucky, and Missouri. It must be remembered, however, that the Confederacy and the South were two separate things, one an organization, the other an interest. Sympathetic as were such men as Senators Bayard of Delaware and Powell of Kentucky with their Southern brethren, their main effort was to preserve a Union to which the seceded states might return rather than to secure their independence. While, therefore, they gave diversity and complications to the Northern stage, they were far from being attorneys for the Confederate cause. Politics in the North were chiefly internal, though moved by impacts from the outside.

The central figure in this contest, from its beginning until his death, was Abraham Lincoln. The preservation of the Union under the Constitution was his task by the implications of his office; it was the work for which his training had particularly

fitted him. To it he gave with that power of concentration, which was among the most marked of his characteristics, all the powers and all the time which the exigency of not thoroughly responsible subordinates in departments allowed him. His aim was taken before his inauguration and it never wavered. If there were a shade of difference between his attachment to the two words — Union and Constitution — and their ideals, the Constitution was the dearer, but he saw them indissolubly linked. He sought constantly to keep this aim single — an ideal, and not a program. When he failed, he kept it as free as he could from the entanglements with which others sought to surround it. His method was to emphasize the existence of a national emergency during which there should be a truce to the ordinary contentions of a peaceful people. When he failed, he still sought to preserve such unity as circumstances rendered possible. These simple ideas, patiently and relentlessly pursued, give coherence to four years, the varied acts of which would take on the insouciance of a revue were it not for Lincoln and for the mass of the people whom he embodied. Lincoln, however, was not merely simple, and he sought his aim and adopted his methods with the practical art of a master whose technique has become instinctive and who is free of his craft. Like all great artists he might boggle for months over the tricky line while whole figures grew with seeming carelessness from his ready brush. He was working in fresco and no strokes could be recalled but, like Michael Angelo, he painted his own cracks. The people, the architects, changed his task while he painted, but he preserved the Union and was re-elected by a Union party.

His first political act was to call Congress to meet in special session on July 4. This excited little comment amid the rush of events, but it is extraordinary. It left this believer in popular government, this constitutionalist, in full charge of the conduct of the war for three months, at a time when it was expected that the war would last no longer. It was a gigantic exaltation of the executive power ; it was an amazing assumption of responsibility. Two reasons may be advanced for it from positive evidence and from their consonance with subsequent policy. Seward and

Henry Adams thought it due to the fact that Congress was too unwieldy, a body with many minds. Certainly Lincoln's whole administration seems from this initial step to have been based on the conception that in a democracy it is the business of the executive to handle an emergency. At all points where there was doubt as to the allocation of authority to Congress or the president, he resolved it in favor of the latter. He would not suspend the Constitution, but he certainly showed by his practice that he leaned to the theory of dictatorship when the Republic was in danger. As no one now supposes that he hoped to carry over such power into time of peace, so at the time he was not worried by fear of dangerous precedents, for he was a confident democrat, sure that the people would resume their sway when the storm had passed. Yet one suspects that even in peace he would have exercised his power within the full limits of his office.

A second reason was that Congress was not yet fully elected ; six states had yet to choose their representatives. On this point he need have had no scruple in law, for obviously they were at fault if their members were not ready. Nor need he have feared his majority, for all but one of these states were of the border — Maryland, Virginia, North Carolina, Tennessee, Kentucky, and California — with hardly a chance for a Republican among the forty-seven. Perhaps this situation may have been of itself a motive, and probably Lincoln was fearful of dealing too exclusively with his own party. More important, certainly, was his wish to avoid the shadow of an offence against those states, some of them still trembling in the balance. All summer the problem of their adherence was his major consideration, a problem of politics on the grand scale which overshadowed those of parties and factions. The assembling of a congress without their participation might well have been the last straw to break the camel's back, already straining under action taken by the preceding Congress after the withdrawal of the seceders, the presence of the Morrill tariff, and the admission of Kansas as a new free state.

The delay was appreciated, for Kentucky and Maryland moved back their August election dates to allow their members to be present. In the new House, when it met, were 176 members

in place of a normal 237, in the Senate were 47 in place of a normal 68. Tennessee had one senator, Andrew Johnson, and one representative, Horace Maynard. Virginia sent five representatives. Immediately the question of quorum arose. The house voted that it consist of a majority of those representatives actually chosen. The Senate was more punctilious and was in a more difficult position. Two thirds of its numbers were hold-overs, and those from seceded states must be counted as members unless one acknowledged that secession had removed them. To make such acknowledgment would be to accept the constitutionality of secession. On the matter of a quorum it was decided to play absolutely safe by making it a majority of the total number of legal seats, 68, in spite of the inconveniences this entailed. Senators who had affiliated themselves with the Confederacy, however, were expelled, and their seats thereafter were regarded as vacant, though still counting in quorum. Two senators chosen by the loyal fragment of the Virginia legislature to take the place of those expelled were admitted.

Congress, thus organized, contained a complete majority of Republicans in both houses, but party lines were not tightly drawn. There was an oratorical display between John C. Breckinridge, just elected to Crittenden's place from Kentucky and soon to leave to become a major-general in the Confederate army, and Edward D. Baker, the friend of Lincoln, speaking in his new uniform as major-general of Union volunteers and soon to lose his life at Ball's Bluff. In general, the proper supply bills were passed; there were but four irreconcilables, including Breckinridge and Clement L. Vallandigham from that district in Ohio which had been settled by holders of Virginia military land warrants. Aside from supply the most important measures were the appointment of a Joint Committee on the Conduct of the War, headed by Benjamin F. Wade of Ohio, which was to become the mouthpiece of radical Northern opinion; and an act confiscating all property used in aid of insurrection, including slaves employed in any kind of military labor. What would be the status of the slaves when so confiscated was left to the imagination. The most important political gesture, however, was a resolution introduced

by J. J. Crittenden who, having lost his seat in the Senate, had been elected by his Blue Grass district to the House. This stated that the war was being fought "to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality and rights of the several States unimpaired ; and that as soon as these objects are accomplished the war ought to cease." It was paraphrased as declaring that the war was to preserve the Union as it was. It passed the House with but four dissenting votes and with but five dissenting votes in the Senate. On the whole, there seemed to be an acceptance of Lincoln's attitude of one supreme emergency calling for the submergence of ordinary issues.

Lincoln continued to pursue this policy. In remanning the civil service he had followed custom and expectation by giving the spoils to the Republicans and had practised with the skill of a master the mystery of division. No item was too minute for his consideration in balancing the claims of localities and of factions, of former Whigs and Democrats, of reformers, congressmen, and senators. The care which had been obvious in the formation of the cabinet extended to the smallest post within his gift, and while his selections did not escape criticism they preserved the unity of the party. When, however, it came to be a matter of fighting a war his program changed. Strength must be united and honors shared. Four presidents had been chosen on their war records, and Lincoln recognized that both parties must be given a fair field. He gave full opportunity to Democrats such as Butler, Logan from "Egypt" in Illinois, and McClelland. In fact, circumstances aided that party when McClellan commanded the East and Halleck the West. When Frémont, the Republican, was removed and Stanton was made secretary of war, Republican politicians feared a repetition of the Mexican War situation when a Democratic president saw the military honors divided between the two Whigs, Scott and Taylor.

In politics Lincoln favored the coalition of Republicans and Democrats into a Union party committed to the support of the war and to nothing else. This plan was partly carried out. In New York Daniel S. Dickinson, a Breckinridge Democrat, was

elected governor on a Union ticket, and in Ohio David Tod, a supporter of Douglas, was elected governor. In the meantime, Lincoln's handling of the administration gave evidence of good faith in preserving the Union as it was. He disallowed the emancipation proclamations of Frémont in Missouri in 1861, and Hunter's in South Carolina in 1862, and he ordered the enforcement of the fugitive slave law which, under McClellan's eye, was vigorously carried out in Maryland.

The first effective assault upon this concept of the war came when Congress met for its regular session in December 1861. During that session uniformity broke up into a diverse and complicated pattern of factions. In the quick movement of war they and their membership shifted month by month, and all were swept onward by rapid currents into new positions and changed relationships; yet there was more stability to the problem than was apparent to contemporaries. First was the Republican party, which kept its entity much better than most new parties suddenly victorious; it developed its machinery and became an army organized and dominant. From 1861 to 1866, however, it was as a disguise called the Union party. This unionism was actual to the extent that numbers of Democrats accepted the call of Lincoln to co-operation, though the elections showed that co-operation was practised more by leaders than by voters. They were not asked to surrender their basic views on ordinary public questions, but some, such as Stanton, become identified with their new allies. Others, as Andrew Johnson, found it an emergency relationship. Such men were sometimes referred to as "War Democrats," although that term was more generally, and properly, applied to those who supported the war but remained in their own party. Numbers of the Constitutional Unionists of 1860 became simple Unionists and then scattered in various ways after the war was over.

The Republican party was divided into factions. Such division is, of course, true of all parties and was not new among the Republicans, but from December 1861 to the end of the Reconstruction period the usual multiplicity of factions resolved itself into two absorbing groups whose conflicts really gave the major



interest to politics. These were known for many years as Radical and Conservative. Under Grant their composition and nomenclature changed to Half-Breed and Stalwart. The history of their relationships presents superficial difficulties, although it actually conforms with understandable human qualities. One might expect the Union-Republican party, with its additions of Democrats and Constitutional Unionists, would be more conservative than the Republican party of 1860. The reverse was actually the case. It has already been pointed out that in 1860 probably sixty per cent. of the Republicans were radical, but their success in the campaign had depended upon the moderates, with the consequence that the party lowered its voice and insisted mainly upon the necessity of defence against the rising power of slavery. Once in the saddle, however, the radicals were unleashed and were disposed to use their powers to the uttermost limits of safety. The predictions of Toombs and Brown were thus justified, based as they had been on experience ; for while in campaigns the oratory is generally that of the minority nearest the doubtful voters, the policy in victory will be determined by the median of the party if its leaders have the courage and skill. Nor did all the new recruits stand in the moderate wing. Men such as Butler and Stanton were soon among the Radicals. Their sacrifices to keep the South peaceably in the Union had failed, and with the release of the tension they sprang far away from their positions of 1860.

The Radicals were men of many minds, but the war gave them a general cohesion. They were spurred to action by an unattached body beyond even the left wing, voiced, if not led, by Wendell Phillips who continued the stinging tactics of the Abolitionists. The true left wing of the party was led by Charles Sumner, chairman of the Senate committee on foreign affairs and invaluable because of his knowledge of international law and his connections with liberals everywhere. Returned to active life after his wounding by Brooks, heavy with the burden of an insane wife, he gave himself to humanity, with eyes that ceased to see individuals. His interest was in causes, and they were simple because he saw no limitations. All his life he had seen slavery as

the greatest flaw in the civilization of his day, now he saw it the most immediate call for action ; and beyond slavery there was to be equality for the negro. The war was his opportunity ; compromise, which he had always opposed, now became criminal. His last congressional effort, made long after the war was over, was against such discriminations as the exclusion of negro dead from semi-public cemeteries. Sumner's weapon was oratory, for which he was famed by nature, and which he practised with punctilious art, rehearsing his speeches before a mirror. Endowed with a quick mind and the strong attractions of a cultivated personality, he chose to live and act chiefly withdrawn from the crowd. He had the ear of the people of the North, and many Southerners gave him credit for that same sincere singleness of purpose which they admitted in John Brown.

In Congress such champions of one idea were few. Occasionally they were brought into isolation, as when in 1866 the admission of Colorado, which was sure to give two needed Republican senators but which excluded negroes from the suffrage, was in debate. Here principle and party stood opposed, and it required great courage to remit obvious expediency. In such tests the extremists never reached more than six senators. This was, however, no genuine test of their real strength, for large numbers shared their purpose, though willing to listen to the call of expediency in particular instances, and then no one knew the power of the public behind them. Undoubtedly they commanded the respect and sympathy of the majority of the party, though the number who would go the full length they demanded was very much less and certainly never constituted a majority of the Northern people.

The largest group of congressional Radicals was undoubtedly the political. One cannot doubt that they were practically to a man against slavery and the majority of them were in favor of the political and legal equality of the negro. Their leading preoccupation, however, was sectional and partizan. They had rescued the nation from the control of the slavocracy, and never again should it be re-established. The war emergency should be used so as to prevent the old combination of Southern leaders whose

diabolic cleverness they feared with all that lack of understanding which is so common a factor in the psychology of rival nations, and the Democrats of the North, whom they regarded as misguided masses led by willful deceivers seeking offices — not that they themselves were contemptuous of the spoils of political warfare. They cherished the negro not only for himself, but as an implement to check the Southern aristocrats at home. They were concerned with the Southern loyalists who might vote Republican. In most cases they could co-operate with the Conscience Radicals, and they dare not anger them too far, but at times they separated in their votes on issues. For years they were the most powerful group in Congress and were adepts at controlling the party organization.

Typical of them, though hardly leader, was Ben Wade of Ohio. Entering the war with the reputation of having checked the Southern bullies by his willingness to duel with rifles at thirty paces, his new position as chairman of the Joint Committee on the Conduct of the War gave opportunity which he used to stimulate the war spirit by exciting animosity. He was quick to scent a scandal and often sought the spot of its occurrence. His investigations were continuous and resulted in reports voluminous, but not always revealing a critical evaluation of evidence. He found the Radical Frémont blameless, the Democrat McClellan incompetent if not worse, and his account of Forrest's "Massacre" at Fort Pillow resembles strongly the reports endorsed by Lord Bryce of German atrocities in Belgium. There is no doubt that Forrest sought to terrorize Northern negro troops by granting no quarter, but there was no butchery of women and children for the good reason that they had been removed, while the cases of inhuman treatment, which Wade circulated, certainly rested upon inadequate testimony. He also sought constantly to rally the poor of the North against the rich planters and, while doubtless sincere in his main purposes, his methods were distinctly those of the demagogue.

In growing favor among the Radicals was the club-footed old Thaddeus Stevens who began his public life in the 'thirties by loving the oppressed and who had now turned to hating their op-

pressors. His career gives evidence that he shared Sumner's motives. Less in the clouds, his sympathy for the negro was more personal. He lived with a negro mistress, and that he did not marry her was probably due rather to the twist given his mind by his physical deformity than to a color bar; had his fancy so turned he would have taken a white mistress rather than a wife. He was heart and soul with Wade, a party man fortifying his organization to the limits of his powers. He was moved, in addition, by another motive which had considerable prevalence but which no one else expressed with his bluntness. He hated the Southern planters and wished to punish them. There was no limit to the depth of his animosity or to the action which he would take. He would abolish their states, he would confiscate their property, he would exterminate the rebel population and replace it with one worthy to survive. Such sentiments animated his oratory early and late and gave direction to his blows. It is futile to seek a single basis for so profound a sentiment. Some of his property was destroyed during Lee's invasion of Pennsylvania, but that did not cause his hate. In part, it was a complex against injustice as he saw it and in part a desire for power, for he possessed a genuine prophetic power in foreseeing the rising, sweeping tide of Radicalism which daily brought adherents to his banner. It is not impossible that long brooding had given an insane intensity to his fundamental purposes. His handwriting during this period of his leadership, twisting this way and that without apparent habit or control, is exactly that which one would predicate for a maniac. Stevens' position was as a great "Commoner." Neither political organizations nor formal oratory interested him. His power was over men, exercised by a quick mind and a magnetic personality. As chairman of the Ways and Means Committee of the House, he was able to focus the opinions of men. He drove rather than attracted them. Few have had a keener wit, but satire was not its character. His jokes were funny rather than germane, as when emerging in the early morning from a Washington gambling-house, where he had been successful, he met a negro preacher seeking contributions for a new church and rolled a note off his wad remarking: "God moves in a mysterious way his wonders

to perform." His force was more in his prophetic seriousness which, as month succeeded month, with fulfillment assumed the weight of an insight, perhaps diabolic, but seemingly supernatural.

The Radicals, however, would scarcely have grown in power, as they did for a decade, had it not been for two more commonplace appeals. Sober, sensible men, opposed to producing a crisis, realized more and more vividly that now the crisis was upon them it was the part of common sense to wring from it all its implications. The Union "as it was" had been disrupted by strife. If it were to be restored with the seeds of strife still inherent, the war would have been fought in vain. It is better business to push through a disagreeable task to the limit while one is prepared for it. Patching in 1787, 1820, 1850, 1854, and 1857 had failed; now let us have action. To them were added as time went on those who became involved in the economic legislation of the war. Manufacturers, profiting by the protective tariff, and buyers of government bonds felt more secure with those in power who had created the new system than with those who had opposed it. In 1860 the Democratic and Constitutional Union parties had represented the wealth of the nation. The majority of those whose fortunes were founded in the *mêlée* of war profits became Republicans, generally Radical, as that was the element most committed to Republicanism. Thus the Radicals were swayed by the oratory of idealism and confirmed by the dictates of interest.

Conservative Republicans were rather the break in radicalism than the possessors of a program of their own. In successive years they often stood where the Radicals had stood the year before. Their characteristic was largely temperamental, a tendency toward moderation; their membership varied with circumstances. Among the leaders was Fessenden of Maine, chairman of the Senate Committee on Finance, a lawyer, a financier, and a sincere, precise, well-informed man. With him frequently was Lyman Trumbull of Illinois, chairman of the Senate Judiciary Committee, a Connecticut aristocrat somewhat uneasy among the lowly whose cause he advocated all his life. To him party was nothing,

and for fifty years he shifted from one new movement to another, finally writing a platform for the Populists and advising William Jennings Bryan. Such men, outweighed in the party, had power as representatives of that middle element of the electorate which must be won, and they were most needed as election approached.

Both factions were represented in the cabinet. Salmon P. Chase was the self-conscious representative of sane radicalism. A large and potent figure, he swelled with responsibility and suspiciously kept his watch in the administration. Diligent that the public service be manned with sound men, his weapon was the threat of resignation if his recommendations were not accepted or his views approved. He believed that his loss would disrupt the government, and yet he offered it four times. Hardly had the administration taken form when Seward, the Radical candidate of 1860, came to be universally regarded as the head and front of conservatism. This indicated no treason to his earlier purposes but was an unconscious reaction to circumstances. It was a symptom of his blatant optimism. So sure was he of the triumph of the right that he believed violence unnecessary. Probably when he proposed a foreign war to cement the Union he planned, as had Polk in 1846, not to fight it. He loved power and peace and men; and he had confidence, with some justification, in his genius for accommodation. His high-flown oratory astonished him as much as it did others and left him, if not repentant, at least ingratiating. Subservient to Lincoln, he was supposed to control Lincoln's mind; and he tried to believe that he did, though he knew he did not. Not from Olympus but from the bleachers he watched the little boys at play, devised wise rules for their games, and gossipped agreeably with those about him. In his maturity he never lost interest in the game, but it gave him calm in its uncertainties.

The association in the public mind between the Conservatives and Lincoln was not chiefly a matter of the agreement of their views, but rather the result of a system of organization which brought the executive and legislature into inevitable conflict, regardless of what they sought. Lincoln had started off his administration with a wide exercise of executive power and author-

ity. In American politics this has always aroused the *esprit de corps* of the legislature. In December 1861, this had been enhanced by Lincoln's appointment of Democrats to high command, his reversal of Frémont's emancipation proclamation, and the enforcement of the fugitive slave law. Everything that Lincoln did to conciliate the border states seemed to be at the expense of the wishes of the majority of the party that had elected him. Was the Northern majority to continue that yielding to a threatening Southern minority which the vote of 1860 was supposed to end? Under ordinary circumstances an administration has the advantage of organization which renders a party majority ineffective. Beginning with the December session, the Radicals in Congress undertook a system which, not unique, enabled them to hold their own and often win their way. This was the constant and effective use of the congressional caucus. Here all those who held themselves to be members of the party and were so acknowledged, whether of Senate or House, met for the formulation of policies. From such meetings the members went into Congress prepared in argument, with a party policy, and often with a cast-iron agreement that on certain issues they would vote together. Over the dissenter was the fear of an ostracism that was barbed with the sting of disloyalty but still more the hypnotizing spell of Stevens. Here he was at his strongest, radiating power. Boutwell of Massachusetts once boasted that he sat next to Stevens and yet dared vote against him. It was an experience that few shared and none with nonchalance. Regardless of views a president had to be either submissive to such a caucus or at odds with it; to achieve co-operation was a test of skill which few men could have faced successfully.

With little difficulty the Democrats healed the breach of 1860, but they were not without their problems. There was the perpetual division between the financial Democrats of New York City and the rural Democrats, who varied from near-subserviency in New England to occasional rebellion in Ohio and the West. Few of either faction were keen on slavery, but on the war individuals differed strongly, the great majority favoring war to preserve the Union "as it was." There was, however, a vigorous

minority who were not passivists, but in this instance favored peace at any price. Apart from this difference of opinion as to aim was that of policy toward the party in control — a problem always peculiarly difficult for the opposition in war time and which in American history has been met in various ways. In the War of 1812 the Federalists resorted not only to opposition but to obstruction. They laid themselves open to the charge of treason, and their party died. In the Mexican War the Whigs attacked the justice of the war and its conduct by the administration. They co-operated, however, in the national emergency, voted supplies, and won the next election. In the World War the Republicans voted President Wilson all power, thus sloughed off all responsibility, gave enthusiastic support to all war activities, and not only won the next election, but determined the peace. In the same struggle the English Conservatives accepted coalition, such as Lincoln offered the Democrats with his emergency Union party, and they, too, won post-war power.

The Democrats of 1861 lacked these last two examples, and they also lacked leadership. The death of Douglas in his prime was undoubtedly a national misfortune and a party calamity. One certainly cannot say what his action would have been ; but it is reasonable to surmise, that had he lived, there would not have been twenty-four years of one-party rule. For a year the Democrats were at sea. The leaders were querulous ; most individuals participated in the war, though some denounced it. In March 1862, they pulled together into some cohesion. There were too few in Congress to allow a powerful counter caucus, and policy was determined informally by conferences of party leaders. August Belmont, as chairman of the National Committee, was a power but not a director. Most skilful was Samuel J. Tilden, an astute New York lawyer a little too dry for public presentation. His figurehead was Horatio Seymour, a man of good public qualities, but weak. In necessary consultation was the fiery Vallandigham, the Stevens of his party, prophet of evil and leader to extremes. Together they rejected Lincoln's offer of co-operation ; they proposed a convention of all the states to revise the Constitution, but to preserve it meanwhile as the guardian of an unchanged



Union. The revision that they envisaged was, of course, one in the direction of limiting national powers and in general protective to the South.

They planned a constant attack upon the Republicans, for mismanagement of the war, for the president's excessive use of the executive power, and for every attempt to change in any way the character of the Union that they were assisting in preserving. Without any official backing, and in some respects without complete support, their program of March 1862 may yet be considered as a guide to their future action.

In war-time parlance the Democrats were generally known by the term Copperheads, probably applied by their opponents and signifying the venomous snake of that species. Many Democrats, however, took it up and wore the Indian head filed out of a copper cent as a party emblem. It would be convenient to apply the term only to the extreme Vallandigham wing, but there seems to be no justification for any limitation, and in fact it was used somewhat as Red at a subsequent time and applied even to laggard Republicans such as Senator Doolittle of Wisconsin.

One further group existed which is often referred to as Conservatives. To avoid confusion with that faction of the Republicans it is easy to think of them by their habitat as border-state men. Often driven into co-operation with the Democrats, they constituted even when with them a separate element, for many had been successively Whigs, Americans, and Constitutional Unionists. Their views and interests were dictated by circumstance. A severed segment of the South, but mostly Union-loving, they sought to preserve their own institutions and a haven to which the South might yet return — the Constitution as it was. Chief among them was Reverdy Johnson of Maryland, one of the strongest men in the Senate and most generally respected regardless of party. With an artistic temperament suppressed by the exigencies of American life, he was both sensitive and strong. While he led but a handful of supporters, no measure was certain of its final form until he had spoken.

The conflict of factions began with the opening of the second session of Congress in December 1861, and the refusal of the ma-

majority to reaffirm the Crittenden resolution. Plainly a majority wished the Union other than as it had been. These wishes centred in slavery, but that institution could not be considered without the negro. From that time he became a protagonist but still more the chief pawn about which the contest centred. Scarcely a measure came up in which he was not concerned, and those that related to him directly were the ones about which passion raged. The first act was passed in March 1862, prohibiting slavery in every territory of the United States then held or thereafter to be acquired. This was a simple execution of the Republican platform, was in harmony with Lincoln's argument in his debates with Douglas that the Dred Scott decision did not constitute law, and was approved by him. On April 16, 1862, one old dream of the Abolitionists was realized by the abolition of slavery in the District of Columbia. There could be no sound constitutional objection to this, although it was sophistically argued that the states which had ceded the territory to the national government, Virginia and Maryland, must consent. It was a dramatic gesture emphasizing the change of control. Previously the government had its seat in slave territory, now it was in free. This act contained also a provision that Lincoln hoped embodied a principle — the owners of slaves were to be compensated for their property loss. According to the very poor constitutional law set forth in the Republican platform of 1860, slavery had never existed in the territories and so no obligation to compensate was there recognized, but they admitted the principle of compensation where slaves were held with full legal right.

Already on March 6 Lincoln had asked Congress to adopt a joint resolution extending the application of this principle. All slaves now held were in states. His suggestion was that Congress should offer "to co-operate with any State which may adopt gradual abolishment of slavery, giving to each state pecuniary aid, to be used by such State in its discretion, to compensate for the inconveniences, public and private, produced by such a change of system." This offer was to be made to all the states, but Lincoln pointed out that in practice it applied to those border states still affiliated with the Union. He urged it as a war measure, for its

application would create a schism between the seceded states and the still-loyal slave states, which would end hope in the first and vacillation in the latter. At four hundred dollars a slave, he estimated the total cost for the border states at \$175,048,000, which was less than the cost of eighty-seven days of war. To him it was more than a war measure, for he frankly stated that he considered gradual emancipation better than immediate emancipation. Writers of the modern economic school have considered it as actuated by a capitalistic reverence for property, forgetting that the Republican party was only becoming capitalistic. How any student of economics can fail to see in it an element of equity is difficult to conceive, for it purposed such a reorganization of the entire system of labor and credit as can but mean heavy loss to the community involved ; and the change was to be made by undesirable communities at the wish of their associates. Constitutionally the proposal was probably sound, but it was the first instance of that plan of national subsidies to accepting states which has so greatly extended national functions in the twentieth century, as in the cases of highway expansion and the care of health. It was certainly ominous to a strict constitutionalist, and it was none too popular at the other extreme with the Republican Radicals, many of whom thought of it as compounding a felony. Yet Congress accepted it on April 2, 1862, and Lincoln's leadership remained intact.

Lincoln immediately began to exert all his persuasive powers on the border-state men in Congress to take advantage of this legislation. By conference and by letter he pointed out that here was an orderly and reasonable way of accomplishing that which, without their co-operation, was bound to come in disorder and disaster ; that every day increased the probability that the crisis would sweep away this moderate offer, and should they refuse they might lose both the recognition of their right to act and their property. His arguments, however, were rejected ; state slavery remained intact. The first plans of change which Lincoln conceived envisaged the social aspects of the situation not only in the thought of a gradual process and national shouldering of the cost of transition, but also the problem of irreconcilable races. Dur-

ing the summer he played with the idea of the colonization of the negroes, and Seward negotiated treaties for their reception elsewhere. Conspicuous among these treaties was one which should have given joy and confidence to the Radicals. This was with the negro republic of Haiti, for no previous administration would recognize negroes nationally organized, and that policy had been one of the rocks upon which the Panama Congress had split in 1825. Seward also overcame the old American repugnance to the right of search in time of peace and arranged with Great Britain a treaty for the suppression of the slave trade which made such rights mutual.

All this, however, failed to satisfy the Radicals of Congress or to convince them that Lincoln was not under Conservative influences. After five months of acrimonious debate, on July 17, 1862, their response came in the passage of a second Confiscation Act, which was to give shape to much future action. It provided "That every person who shall hereafter commit the crime of treason against the United States, and shall be adjudged guilty thereof, shall suffer death, and all his slaves, if any, shall be declared and made free," with discretion in the court as to prison and fine in lieu of death; "That if any person shall hereafter incite, set on foot, assist, or engage in any rebellion . . . or give aid and comfort thereto . . . and be convicted thereof he" shall be punished and his slaves freed; that all such persons be disqualified for ever from holding office under the United States; that, in addition to these general provisions, all the estate of Confederate military or naval officers, high civil officials, high officials of seceded states, of all officers in the Confederate states who had previously held office under the United States or had accepted their new offices after the "date of the pretended ordinance of secession," or of any person owning property in loyal territory but giving aid and comfort to the Confederacy, be seized by the president, and the proceeds applied to the support of the army. It also provided that all slaves of those in rebellion or aiding it should be free upon entering the Union lines, and that in all cases involving fugitive slaves the owner should be compelled to prove loyalty, and that no such slaves be returned to their owners by military au-

thority. It finally enacted : "That the President of the United States is authorized to employ as many persons of African descent as he may deem necessary and proper for the suppression of the rebellion, and for this purpose he may organize and use them in such manner as he may judge best for the public welfare."

It may be well to point out by way of limitation that the slaves of no one in the Confederacy were to be freed until after the trial and conviction of their owner ; that a minor official of a seceded state would not be liable to the confiscation of his estate if he held over in his office from the days of loyalty, as many did ; that any Southerner could secure his property right to a fugitive slave if he could prove that he had not given aid and comfort to the rebellion. Such owners from the border states would still find the commissioners under the Act of 1850 operating, but they would not find their numbers increased to meet the rush of business. Whether the law would mean much or little must depend upon its administration.

This law covered many points. In the first place, it cleared up an awkward situation by declaring free all negroes falling into the hands of the Union armies, unless the loyalty of the owner could be proved. Between May 1861, when Butler had declared such slaves to be contraband, and the passage of this act, the United States government had become in all probability the greatest slave-holder the world had ever known. The whole was, of course, entirely unsatisfactory on the one side to those who desired to do away with slavery as a legal institution, and on the other it was almost fatal to Lincoln's policy of conciliating the border states, for it reversed the burden of proof, in case of fugitive slaves, against owners in Kentucky and Maryland, as well as in Tennessee and Mississippi. Its authors took especial pleasure in the stab they gave to Democratic generals, such as McClellan, who used their powers in the field to return fugitive slaves without action by the courts. The ticklish question of employing negro troops was left to the president.

Here was a difficult situation for Lincoln, with his policy of combined national effort to preserve the Union. Nor was it so much the law as the push of sentiment which had given increasing

power to the Radicals who passed it. The call for action grew in pitch and volume day by day. At no time was the feeling against slavery and for the negro so general and so generous. To most Northern soldiers negroes had been strange animals about whom orators contested. Now when they met them with their sunny characters and pleasing ways, most, whether Democrats or Republicans, liked them. Having been long told to regard them as men and brothers, they began to do so. Many humanitarians began to flock South, particularly to Beaufort, South Carolina, to guide them to freedom and were delighted with their ambition to acquire the highest of the white man's culture. When Butler and Banks in Louisiana came to control hundreds of thousands of acres and thousands of negroes, business men of the North saw visions of wealth. They lamented the slack ways of the former slaves, but thought that with freedom and Northern direction they would acquire an incidental capacity that would multiply the products of the slave régime. Grant put John Eaton in charge of those crouching under his wing along the Tennessee, and vast reformations loomed in minds which confronted social problems without the worry of heredity, evolution, or racial characteristics. The North was fed with tales, some true, some romantic, of the disposition and the possibilities of this interesting race. Valiant champions of abstract justice saw more than opportunity and fretted at every legal obstacle to a millennium so near at hand.

Henry Ward Beecher, whose great fountains of warm humanitarian emotions overflowed the dikes of theology and gave his Brooklyn hearers and even some readers of his *Independent* a sense of oneness with a divine heart, called for action. Horace Greeley, whose editorial genius gained so much from his great personal qualities, was never more absorbing than on this subject. Always an interesting personality, he held those he attracted because of his basic integrity. Hating persons, he never hated classes. He could be nasty to Seward, whom he considered a stumbling-block to progress, kindly to the South, and lavish in his praise of the negro. A true democrat, he supposed the masses to be always with him and addressed to Lincoln the "Prayer of the Twenty Million," urging immediate emancipation. Wendell

Phillips, the sensitive, even more impatient than Sumner with the glass through which we see the truth darkly, could never tolerate a spot on the sun. For him policy and filth were synonymous ; truth had no shadings, and he lashed Lincoln as the "Hell Hound of Illinois."

It was no theoretical situation with which they were dealing, but a blazing, whirling crisis that demanded action. Millions felt with them that righteousness and sin were battling in a supreme contest that would determine the future. Whatever criticism may be made of their violence, when it meant the disturbance of an established order of which they knew nothing except its philosophic implication, is pertinent at this moment when chaos actually reigned. Justice and expediency had here met. War psychology rushes nations to positions which in peace times they but slowly approach, treading delicately. Those who dread action are often the most eager to take it and have done, when avoidance is no longer possible. The moderate cast aside their deliberation and are often the first to disregard the conventions. No false modesty acts as a restraint, nor does suspicion wait on evidence. As yet Lincoln had no halo, his exact regard for the rights of slave-holders was in contrast with the elasticity he found in the Constitution for executive powers. Would he rise to the emergency ? Was he actually in sympathy with the vibrant idealism of the people ? When Congress adjourned he was, by mutual concession, still leader of his party, still national leader in the war for the Union, on terms with border-state men and with Democrats, but was his position real or nominal ? Was he driving or being carried ? How long could he keep his rearing team to the course ?

The term "Great Emancipator" is distinctly not that by which he should be remembered. He would doubtless have chosen "Savior of the Union," and more fundamental would be "Democratic Leader." He did not create emancipation but determined the time of its introduction. Some writers, and among them Beveridge, one of his chief biographers, have rushed to the opposite extreme. There were about twenty years of Lincoln's life when he had little to say about slavery, and some have taken this as evi-

dence that he did not care. Two criteria must be followed in interpreting him. One is the fact that in spite of his loquacity he had a quality of reticence ; he seldom talked seriously except when he saw the possibility of action. The second is the meticulous exactitude with which he expressed himself when ready. No intelligent student of his mind can fail to grasp his inherent and temperamental opposition to slavery. It was, indeed, hereditary, his parents having been among the seceding anti-slavery members of a little schismatic church in Kentucky. There is no danger of exaggerating his repugnance for the whole idea. He was not, however, an abolitionist, disliking their violence as he did that of the hell-fire and brimstone preachers from whom he revolted in his youth. As a citizen of Illinois he saw no way of attacking the institution in the Southern states, but he sprang readily to battle when its limits seemed expanding. His mind was evolutionary, and there is every reason to suppose that till 1854 he had thought of slavery as dying. He fought its renewed vigor and gave his mind to its problems.

Nor is there reason to suppose that his hope, quickened by the war, did not rise to more general results. He was distinctly conscious of social forces. Once during the war when reviewing troops he remarked : "What do you suppose will become of all these men when the war is over ?" Could so intelligent an observer doubt what would become of slavery ? By 1863 Jefferson Davis was listening to the logic of events. Slavery might have been saved by peaceful secession, it might have survived a short war of the frontiers. Once the struggle of peoples was joined, the anachronism which brought it about was foredoomed, whichever side was victorious. Lincoln's foresight is plain enough in his conversations with the border-state men on compensated emancipation. There was no czar in the United States ; neither Lincoln nor any other man could determine the fate of slavery which was being determined by the economic and social forces of a democracy. As president he had to guide those forces as best he could so that no harm, or the least harm, and the most good might result to the commonwealth.

About his compass there can be no honest difference of opin-



ion. He wrote to Greeley that he would save the Union "with slavery or without slavery, or part slave and part free." His sense of policy was as direct as his power of concentration was intense. The Union was his object ; everything else was incidental thereto. Never deviating, here was one point on which his soul could be at peace ; he had not become a leader of men without learning the tremendous significance of time and method, and this was the supreme test of his skill. His mental suffering was never so great as when he was deciding between peace and war ; but the call for the exercise of wisdom in the balancing of motive, shock, and value was more distracting, and throughout the summer it was the ghost that stalked his nights. He probed the situation with all his usual methods and ingenuity and turned to resources he had not been accustomed to seek. In his new responsibilities as president he sought help in religion, which was natural to him, but from which he had been driven by the ranters of the countryside. With his accustomed simplicity he began his search with the most direct methods. Distinctly psychic, he gave attention to spiritualistic seances in the White House, but found them barren. When a delegation of ministers told him they brought a command from God to free the slaves, he replied, with the plain sense that so often appears humorous, that he supposed that should God have a message it would be given directly to him, the responsible party. Seriously he offered God the chance, committing himself to freedom should Lee's invasion of Maryland be driven back. It was not that he was delegating authority, but in the balance of arguments he was seeking a sign. He grew beyond this, but in 1862 his theology had not passed the primitive conception, natural to a frontier mind, that if there were a God He should be immediately useful.

The scales were indeed weighted with many considerations. To declare for freedom might well be to lose the states of the border with their population still hesitant. This was the summer when Lee was giving Maryland a chance to decide, and Bragg was offering a similar one to Kentucky. To make such a declaration would be to surrender co-operation with the Democrats, and the war could not be fought with the opposition of a hostile

minority which the chances of the field might turn to a majority. Lincoln had called the people to fight upon one issue ; would the adoption of a second be consonant with honor ?

On the other hand, he was aware that such a pronouncement would ease the foreign situation ; in fact, it was his trump card, could he avoid the appearance of playing it as a last move of desperation to incite a servile rebellion. Unquestionably, however, he was chiefly moved by the domestic situation, by the restiveness of the Radicals in the last session, by the certainty that, confident in the rising popular voice, they would push further and harder in the next. Already barely respecting the administration, they would coerce or disregard it. Unlike a prime minister, he could not make an issue and either have his own way or leave office. Could the war be fought with president and Congress at loggerheads ? Could he look to the Democrats for necessary support ? Within himself he was accustomed to read the wish of the people, and there he found the drive for action, could he so time and temper it to hold the Democrats and the border to the main struggle. By outdoing the Radicals might he not curb and control them ?

On July 22, five days after the passage of the Confiscation Act, Lincoln, without previous consultation, read to the cabinet the draft of a proclamation of emancipation. Its issuance was deferred until a Union victory should occur. Antietam, on September 17, was taken as such, and on the twenty-second the proclamation was made public. It was a characteristic Lincoln document, and it may safely be said that no one else could have devised it. In the first place, it was not of itself effective but announced what would be done in a hundred days, or on January 1, 1863, in those states that had not returned to the Union. Lincoln doubtless had some faint hope that some would return, and at least he was giving them a chance. In the second place, it was not to apply to loyal slave states or to those portions of the others in which rebellion had been overcome ; this clause was aimed at conciliating the border. In the third place, the criterion of freedom was not the status of the owner, but his residence, which made administration easy. "I do order and declare that all per-

sons held as slaves within said designated states and parts of states are, and henceforward shall be free." Finally it stated that such persons would be received into the armed forces of the United States for garrison and similar service.

"And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God." Legality depended, in international and constitutional law, upon military necessity as determined by the president in his capacity of commander-in-chief of the armed forces of the United States. The degree of this necessity is open to some question. Negroes were promptly enrolled, and their service was not confined to any one branch of the service, as they took their fair share of the actual fighting in the field. The total number enrolled as troops was 178,975. It was plainly not beyond the white manpower of the North to supply this number. Legality, however, did not depend upon the fact of necessity but upon the commander-in-chief's estimate of that necessity. Undoubtedly they were useful as a military adjunct, but one can little doubt that the prime aspect of necessity was the fear of the collapse of the political structure that stood behind the military. Legality of the proclamation was endorsed by the House of Representatives on December 15, 1862, and in general by subsequent opinion. Its legal scope, however, has been frequently exaggerated. As a military emergency measure it applied to persons and not to law. The legal institution of slavery remained in all states as it was before Lincoln had spoken, and as he frequently acknowledged.

The practical effects of the proclamation were nevertheless very great. One may say that, as there was no apparatus for distinguishing slaves of loyal and disloyal owners, all negro refugees would have been freed under the Confiscation Act. They accounted for about one tenth of the slave population. As no one was convicted of treason, no slaves remaining *in situ* would have been freed by that act. All these were actually freed under the proclamation except those in designated states or parts of states. The slaves in the border states were ultimately freed by state

action, except in Kentucky and Delaware, which awaited and threatened amendment to the Constitution, which gave also the final blow in those parts of states excepted by Lincoln. Thus many more than half the slaves were personally emancipated by Lincoln's act, though it was not effective until the armies had made it good. Its significance, moreover, was very much greater. From the moment the first anticipatory announcement was made, the end was in sight ; universal application to individuals and legal abolishment of the system became inevitable.

By this act Lincoln boldly changed policies in the midst of war. He made it a war for a dual purpose, and by so doing, he was forced to rest his power upon the Republican party and to face the organized opposition of Democrats and border-state men. He did not dally with those consequences but prepared to reap the full advantages of his new position. Two days after the Emancipation Proclamation he issued another, drastically extending the application of martial law and the suspension of habeas corpus. Discouragement of enlistment was declared a punishable offence ; and, under Seward's direction, the censorship of the press was extended spasmodically to all parts of the country, as was exemplified by the suspension of the *Chicago Tribune*. Soon Lincoln removed McClellan, and the challenge was thrown to Democratic politics while war was still raging on the frontier.

The election of 1862 became, therefore, not a mere referendum on the war but an appeal between two policies. The Democrats awoke from their lethargy and assaulted all along the line. Some hammered at the war itself, but they would join with those who feared the tyranny of a president who seemed to find in the Constitution no limits to his power. They could quote from Benjamin Robbins Curtis who, having resigned from the Supreme Court, attacked Lincoln's actions as violations of the Constitution, as subversive of the sacred balance of power, and as marking the end of the republican government of the fathers. Supreme among these usurpations was the freeing of the slaves by a man and a party pledged not to interfere with the domestic institutions of any state. Could such a régime be trusted by those who, still loyal to the Union, had yet millions of property and their whole

scheme of life involved in slave ownership? Of still wider appeal was the vociferous denunciation of the conduct of the war. Graft, greed, and mismanagement had each enough of fact to yield, by the aid of distortion, gas for a hundred balloons of oratory. The attack on the fact of war could be met by arguments still popular, but the counter charge by the Republicans on Democratic disloyalty could be evaded by the profession of most of the Democrats that they, too, supported war for the Union. The charges of executive usurpation were harder to counter, for the acts referred to irked many Republicans as well. Argued this way and that, with the legal hair-splitting so dear to Americans of that generation, this furnished the solid substance of speeches, with honors even. The attacks on efficiency were, as always, hardest to counter. Historians still differ as to whether Democratic McClellan should have taken Richmond or whether his hand was stayed by lack of support from Republican Washington, though few would charge malicious intention to either side, as was done freely in 1864.

The result was a blow, staggering but not calamitous, to the dominant party. When the new Congress met, which was not until December 1863, the test vote for speaker gave the Republican-Unionist, Schuyler Colfax, 101 votes to 81 for his scattered opponents. The leaders of the Thirty-sixth Congress controlled the Thirty-seventh, but their margin was narrow enough to cause them seriously to think of their prospects in a restored Union with the seceded states once more at home. Everywhere except on the Pacific coast the Republicans lost votes. The Democrats elected their governors in Pennsylvania, in Ohio, and, most important, in New York — Horatio Seymour. They would have won also Indiana and Illinois had the office been that year open to election. In only one state, New Jersey, were the Democrats in full control. In New York the House was tied, and the Senate was Republican; in Pennsylvania the Republicans retained the Senate; in Ohio they controlled both houses. In Illinois and Indiana both houses of the legislature were Democratic, but the governors held over. There was then the possibility that a number of important states would not co-operate in war measures, but this co-

operation was not so important in 1863 as it had been in 1861, when the national government was not girded for action. New Jersey was the only state in a position actually to oppose the war.

There were certain indications that the result was not so serious as it appeared. Only a few states allowed soldiers to vote in the field. Their votes as recorded stood 39,171 Republican to 9604 Democratic. Obviously, Republicans were more likely to enlist than Democrats, or the latter after enlistment changed their views. Probably both causes operated, and a plain issue was raised ; Republicans would seek some form of compulsion to enlistment and Democrats would oppose soldier-voting. Meanwhile one could argue that with the army at home the Republicans would fare better at the polls. This was confirmed by the fact that the total vote fell off — in some states as much as twenty-five per cent. ; perhaps some marginal Republicans of 1860 needed more time to digest the new course things were taking. That solid men somewhat discounted the Democratic success is indicated by the experience of Governor Oliver P. Morton of Indiana. Confronted by a legislature that would not vote appropriations for war expenses, he went to New York and raised what he needed on his personal assurance that such loans would be repaid, and they were.

The vote of Illinois clearly showed the importance of the injection of the negro question. Democratic state officers were elected, which may be taken as a rebuke to the Republican administration. On the other hand, an apportionment act and a constitution, plainly of partisan Democratic origin, were voted down. A law excluding negroes from the state, incited by fear that the thousands of refugees with Grant, just down the Tennessee, would come to the state, was passed in a popular referendum by a close vote. A referendum on negro suffrage was overwhelming in its denial. Plainly Lincoln was disturbed by no boggy of his imagination when he hesitated about pushing emancipation upon the back of the Union ; the danger was a real one. Apparently, he was prescient in estimating that it might be done, for on that question this first election was the most precarious, and the tide of conversion might be safely counted on to carry it

in the future. Other dangers might come, but that danger was laid.

The genuineness of his counter-fear of a break with the Radicals was brought home to him soon after Congress reassembled. Promptly a delegation headed by Wade presented to him a demand that the cabinet be reorganized in a manner better to conform with the wishes of the dominant faction of the party, particularly by the exclusion of Seward. To yield would be to become a puppet, to fail would have been to lose the living soul of the party, had he not won with its rank and file the reputation of a Liberal and given proofs of his faith. As emancipator, however, he could stand firm, and he did not yield. Being Lincoln he shrewdly turned the blow. Seward presented his resignation. Lincoln contrived that Chase, the figure behind the protestors, resign also. Having both letters in his hands and plainly intimating that the Radicals were in danger of losing their champion as well as their *bête noir*, he suggested that both remain, and they did. Except for the Proclamation, Lincoln would, of course, have remained president but would have been powerless in his dealing with Congress. He had confronted a real dilemma and had chosen in time firmly to grasp the horn of his preference and of promise.

By January 1863, one result at least had been attained. It had not been voted on in 1860; at that time it had, however, been wistfully desired by a majority in the North, though most Northerners cherished nearer desires. Slavery was fatally wounded and would die. The universal enthusiasm of April 1861 had been dissipated in a struggle that had lasted too long. Anger and schism had begun to divide the North. Now came passion, divided but enduring, a cause to fight for that touched the soul and conscience where Union had appealed to reason and to interest. As support was partial, so it burned the brighter, as oxygen feeds the flame. To the defence of the flag was added a sense of the direction in which the flag was leading. As a war later arising from a complex of diverse interests became a struggle to make the world safe for democracy, so, in 1862, emancipation gave a driv-

ing slogan which roused drooping spirits. Julia Ward Howe gave voice to the new spirit which now animated the war in her grim *Battle Hymn of the Republic*, which she wrote to the swinging rhythm by which the soldiers were marching to the front :

Mine eyes have seen the glory of the coming of the Lord ;  
He is trampling out the vintage where the grapes of wrath are stored ;  
He hath loosed the fateful lightning of his terrible swift sword ;  
His truth is marching on.

I have seen him in the watchfires of a hundred circling camps ;  
They have builded him an altar in the evening dews and damps ;  
I can read his righteous sentence by the dim and flaring lamps ;  
His day is marching on.

I have read a fiery gospel, writ in burnished rows of steel :  
"As ye deal with my contemnners, so with ye my grace shall deal ;  
"Let the hero born of woman crush the serpent with his heel,"  
Since God is marching on.

He has sounded forth a trumpet that shall never call retreat ;  
He is sifting out the hearts of men before his judgment seat.  
Oh, be swift, my soul, to answer him ; be jubilant my feet :  
Our God is marching on.

In the beauty of the lilies Christ was born across the sea,  
With a glory in his bosom that transfigures you and me ;  
As he died to make men holy, let us die to make men free,  
While God is marching on.



## CHAPTER XII

### VICTORY

THE new phase of politics which characterized the years 1863 and 1864 brought a threefold conflict. First, there was the struggle for control between the Democrats and the Republican-Unionists. Secondly, there was the battle within the Democratic party between those who would carry on the war to restore the Union "as it was" and those who would stop the fighting at any cost. Thirdly, there was the continuing strife among the Republicans between the Radicals and the Conservatives. The Emancipation Proclamation had brought harmony on that one subject, but two issues remained and grew in gripping intensity. One was the question of war aims, and the second was that of legislature against executive.

In action Lincoln had the advantage of position ; he could act, and his party associates criticized at the risk of splitting ranks in face of the Democrats. His policy remained as before — the speediest possible restoration of the Union, not by arms alone, but also by a reconciliation which would make the restored Union tolerable. He maintained his national emergency theory, often showing that he thought the temporary exercise of executive powers was less damaging to the Constitution than permanent legal changes by Congress. The temporary character of what was thus done gave opportunity for experiment and test so that he acted on particular cases as they arose, developing from them, with the habitual aptitude of the American's legal mind, general theories and policies.

The most important of these cases were those involving the reconstruction of the political framework of the Union. Lincoln argued that as the states had no right to secede, they remained within the Union. As the Union had no right to destroy a state, they retained in full their rights and privileges. Those people, however, who refused to obey the laws of the Union could be forced to do so, and to deal with them was his task

as executive. As executive also he found the state governments unwilling to perform their duties under the Constitution. With such recalcitrant governments the federal system could not operate ; and it was, therefore, his duty to assist the loyally disposed among the population to create such new governments as would perform their duties.

One such case was synchronous with the war — that of Virginia. When the convention of that state voted secession its western members, with neighbor members of the legislature, returned home across the mountains where they and their communities voted “no” in a popular referendum. Left free by the victories of McClellan and Rosecrans, they assembled in a convention whose members were chosen by mass meetings. They decided that “to the loyal people of a state belongs the government of that state” — an interesting doctrine to come from the descendants of the heroes of the Revolution — and that General Letcher and other officials had forfeited their offices, and chose for their places Edward Pierpont and a staff of loyal associates. Meanwhile western members, selected in the regular May elections to the Virginia legislature, assembled at Wheeling, accepted Pierpont as governor, and chose the two Virginia senators, who took their seats at Washington in July 1861. A Unionist Virginia was thus in operation and was recognized by the national government.

This coherent Unionist section, however, did not relish becoming a minority once more when the errant three quarters of their state should be brought back. It was decided to form a new state, West Virginia, and the preliminaries of a convention and a new constitution were speedily rushed through. The Constitution of the United States provided that no state should be divided except by its own consent, so that Governor Pierpont and his legislature voted for the severance and fathered the request for admission at Washington. In considering it, Congress was faced with the whole problem of state and national relationships, and many views were expressed, some of them prophetic of future conflict. Expediency won the day, and on December 31, 1862, the new state was voted in on condition that it amend its constitution to pro-

vide for gradual emancipation of slaves. The cabinet was divided as to whether the president should sign the bill, though Chase and Seward stood together in its favor. Lincoln signed, arguing :

The consent of the legislature of Virginia is constitutionally necessary to the bill. . . A body claiming to be such a legislature has given its consent. We cannot well deny that it is such, unless we do so upon the outside knowledge that the body was chosen at elections in which a majority of the qualified voters of Virginia did not participate. But it is a universal practice in popular elections in all these states to give no legal consideration whatever to those who do not choose to vote, as against the effect of the votes of those who do choose to vote.

On April 20, 1863, the new state was proclaimed, and senators and representatives were free to take their places.

This action immediately created its own new problem. The new state of West Virginia constituted practically the only loyal section of Virginia. Governor Pierpont was now a stranger in the only region that had acknowledged him ; and yet if his government failed to perpetuate itself, the sanction for the new state fell. He moved himself with a few legislators to Alexandria, assumed his functions on the fuming, helpless eastern shore and around Norfolk, and called a plantation convention to abolish slavery. In July 1864, General Butler described his government as "A useless, expensive, and inefficient thing, unrecognized by lawyers, unknown to the Constitution of the United States, and of such a character that there is no command in the Decalogue against worshipping it, being the likeness of nothing in the heavens above, the earth beneath, or the waters under the earth." Two senators, separate from those of West Virginia, continued to sit until February 1865, when one died and his successor was not admitted. Representatives appeared asking admission to the House in December 1863, but that body, suspicious of border-state men and of the influence the administration might exert in elections held under the cannon's mouth, refused them seats. Did Virginia have a government in the Union ? The president recognized it, the Senate had recognized it, the House denied it.

Early in 1862, as a result of Grant's first victory, a new case arose. Gunboats on the Cumberland, the Tennessee, and the Mississippi commanded a large proportion of the population and a larger proportion of the wealth of Tennessee. The Confederate organization was demoralized, as was the state government. A large body of people were living in conquered territory, being born, marrying and dying, buying and selling, committing torts, needing the protection of government, and desiring the comfort of customary law. For the moment the only authority was that of the military commander, and then began an involuntary expansion of the functions of the provost-marshal that, as time went on, served for a while the purposes of law over nearly the whole South. Lincoln, ever anxious to approximate the normal, was not content with this situation ; and on February 23, 1862, he nominated a military governor. This anomalous position conferred no exactly defined status or function. Its holder was still to serve under the military authority of the president but was to exercise his powers as nearly as possible in a civil way. Curiously Lincoln and his appointee, Andrew Johnson, knew as much about the position as anyone, for they had served together in Congress in 1848, when the first United States military governors were appointed to take over conquered portions of Mexico. Independent in his nature, but in close touch with Lincoln, Johnson proceeded to meet situations as they arose. Governing from hostile Nashville, he in some instances gave appointments to men who had held office before and during the Confederate régime, appointed in other cases new men, and sometimes authorized local elections — in general, giving some semblance of civil order to a war-stricken community.

It was the purpose of Lincoln and of Johnson speedily to complete their civic structure by a new loyal state organization which could take over the reins of government. A primary difficulty stood for a while in the way. As in Virginia, there was a loyal section, but in Tennessee this region was held by the Confederate forces until the end of 1863 ; the region that Johnson controlled was that where secession sentiment predominated. The subject was constantly in Lincoln's mind ; and when, in September 1863,

East Tennessee was temporarily occupied, he wrote to Johnson :

All Tennessee is now clear of armed insurrectionists. You need not to be reminded that it is the nick of time for reincorporating a loyal State government,

and he proceeded to give suggestions, but only of a most general character.

Meanwhile Farragut's victory of April 1862 had brought New Orleans and large fertile areas of potamic Louisiana under the guns of the federal fleet. In August 1862, General George F. Shepley was appointed military governor. With a great and turbulent city ; a military headquarters ; a centre of trade, legal and illicit, that drew speculators of every type from many nations, but particularly from the North ; with a resident population unwilling to abandon their great property interests and many willing to temporize and play for favor, he had a problem more complex than that of Johnson. One of Shepley's earliest acts was the establishment of state courts to take over the functions which Butler's provost-courts were exercising. A conspicuous appointment was that of Judge Rufus K. Howell, who had held his court before secession, and after secession under the military rule of Butler, and who now continued to hold it under Shepley's civic-military administration. By executive order of October 20, 1862, there was established also a federal court under Charles A. Peabody, a friend of Seward. In addition, Lincoln commended to the federal officers in New Orleans John E. Bouligny, former representative in Congress from Louisiana, who was encouraged to assist in securing "peace again upon the old terms," the election of members of Congress, and a full complement of state officers under the existing constitution. An election was held ; and two members of Congress, Benjamin F. Flanders and Michael Hahn, were chosen and were admitted, with hesitation, by the national House, February 17, 1863.

From this point, however, two plans of procedure diverged. Conservative resident planters professed their willingness to accept the Union and urged state elections under the old constitution. Another group, however, led by federal office-holders and

particularly by Chase appointees to treasury positions, favored the calling of a state convention, the framing of a new anti-slavery constitution and, in general, reorganization along radical lines. On August 5, 1863, Lincoln wrote to Banks, who was in military command of the district, favoring the convention :

And while she is at it, I think it would not be objectionable for her to adopt some practical system by which the two races could gradually line themselves out of old relationships to each other, and both come out better prepared for the new. Education for young blacks should be included in the plan. After all, the power or element of "contract" may be sufficient for this probationary period ; and by its simplicity and flexibility, may be the better.

On November 5, 1863, he urged them "to lose no more time." On February 9, 1864, the national House refused to seat representatives chosen in November 1863 to replace Flanders and Hahn.

On this basis Lincoln constructed his general war-time reconstruction plan, which he announced in a proclamation of December 8, 1863. This was ingeniously grounded upon the Confiscation Act of 1862, which gave certain definitions of the crime of treason, with penalties attached ; and upon his pardoning power as president. Thus the power of amnesty became the key to presidential reconstruction. In the first place, he extended pardon, except in the case of civil officers of the Confederacy, to Confederate military and naval officers above the rank of colonel in the one service or lieutenant in the other, and to all who had served the Confederacy after holding positions under the United States government or had mistreated negroes in United States service, on condition of taking an oath henceforth to support the Constitution of the United States, the laws of Congress, and the proclamations of the president, including that abolishing slavery. The pardon did not, of course, involve the restoration of slave property but included all else. He then stated that when in any insurrectionary state a number of voters, qualified under state laws equal to not less than one tenth of the votes cast in the presidential election of 1860, had taken this oath, such voters were free to establish a state government, and should such government

prove to be "republican in form and in nowise contravening said oath," it would be recognized as the true government of the state.

And I do further proclaim, declare, and make known that any provision which may be adopted by such state government in relation to the freed people of said State which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent as a temporary arrangement with their present condition as a laboring, landless and homeless class, will not be objected to by the National Executive.

Finally, he pointed out that the two houses of Congress, and not he, controlled the acceptance of representatives and senators from such states, and that his suggestion as to method should not be taken as indicating an unwillingness to recognize states otherwise re-established.

From this time to his death Lincoln, with increasing earnestness, used every avenue of his influence to promote restoration along the lines of this plan, fostering the movements already started in Tennessee and Louisiana and adding Arkansas. He took a keen interest in those newly-forming states and was free with suggestions, though carefully refraining from making them mandatory. On March 13, 1864, he wrote the just-elected governor of Louisiana, Michael Hahn :

I congratulate you on having fixed your name in history as the first free state governor of Louisiana. Now you are to have a convention which, among other things, will probably define the elective franchise. I barely suggest for your private consideration whether some of the colored people may not be let in — as, for instance, the very intelligent, and especially those who have fought gallantly in our ranks.

By March 1864 he recognized loyal governments in Tennessee, Louisiana, and Arkansas, as well as in Virginia ; but Congress had ceased to admit new representatives from these areas, though they retained those already seated and sometimes voted the disappointed representatives their railroad mileage. The elections of 1862 had given him too many Democrats in Congress, and too many who were jealous of the executive to allow him a free hand

in reconstructing the seceded states. The chief reason for Lincoln's speed, which in some instances amounted to haste, was undoubtedly the ever-present war necessity which he so fully realized involved a time element; he must undermine the morale of the Confederacy before the war undermined the morals of the North. Other purposes urged him in the same direction. These new states, with their limited loyal electorates, would be sure to vote Unionist in the next national election and might offset a possible Democratic wave in the North. More important was the fact that they might be necessary to secure the three fourths of all the states required to legalize a constitutional amendment abolishing slavery altogether. This was indeed a major consideration and is illustrated by his support of the admission of the new western state of Nevada, in spite of its very questionable stability as a permanent, coequal member of the Union. So serious was he in this matter that he arranged a bargain whereby he promised offices to two New York Democratic House members in return for their votes — a bargain which was carried out by both sides. Still a further reason haunted his mind. On September 11, 1862, he wrote to Andrew Johnson :

It is something on the question of time to remember that it cannot be known who is next to occupy the position I now hold, nor what he will do.

He feared that he might be replaced by a Democrat who would reinstate the Union with slavery or by a Radical Republican who would handle the South as an enemy or as a heretic to be racked into conformity. Confident of his own purposes, almost alone among his contemporaries in visualizing the social consequences of emancipation, he did not hesitate to take advantage of his present status to achieve his program.

With the meeting of Congress in December 1863, the tone of conflict became more strident. By this time views had been defined at least so far as they answered the mode of action. A large majority, a majority not confined by any means to Radicals, felt sincerely and with some reason that so fundamental a matter as reconstruction, which would not be limited in its consequences to



the war emergency, belonged rather to the legislature than to the executive. All professed the intention of preserving the Constitution intact, and one may easily credit the honesty of their intentions, since that document had been glorified into an ideal which was more universally held than any other among the American people. The very reverence for the Constitution, however, was evidence in many hearts that so good an instrument could not stand in the way of desirable action. The occasion called for powers not specifically mentioned in the document, but Hamilton and Marshall had trained Americans, and particularly those of the North, to read into its clauses possibilities which they believed must have inhered in the sound minds of those who drafted it.

The three key interpretations are well known. Thaddeus Stevens, as early as the first debate on West Virginia, had presented his own view that the seceded states were no longer states in the Union but constituted a mere property of the United States government which was being conquered. Denying the legality of secession, he maintained that it had occurred, as murder is forbidden but does take place, and as the murderers, so were the secessionists at the discretion of the law to do with them what it willed. There were no limitations upon the power of the national government to punish or to control. Sumner's views were best expressed in the resolutions he offered the Senate February 14, 1862. In these he set forth that the refusal of any state to perform its obligations to the national government affected an abrogation of its rights "so that from that time forward the territory falls under the exclusive jurisdiction of Congress as other territory." This was less drastic than the theory of Stevens, for it recognized the seceded area as territory of the United States, and as such it was so protected by the constitutional restrictions placed upon Congress by the Constitution in relation to such territory. Some such obligations Sumner deduced as that slavery, being the creation of positive law only, had rested upon the authority of the several state governments only and had fallen with them, so that now it was the duty of Congress to protect and defend every inhabitant "without distinction of color or class."

More generally it may be observed that the Supreme Court had swung from Marshall's interpretation, giving Congress a wide sweep of powers in the territories to Taney's in the Dred Scott case which strictly limited them, but that the Republicans were prepared to shift again to the earlier idea, as was finally done in a number of later cases involving the Philippines. Sumner certainly intended Congress to work with a hand tied only by the duty of "just, merciful and paternal Government."

These extreme views of the authority of Congress were never accepted by the majority as a basis for action, but they were far from a mere academic interest. They not only represented the ideas of powerful individuals and groups ; but the possibility that they might be sound, heartened those who, holding that the states must be treated as still existing and as still in the Union, wished to stretch the exercise of constitutional authority on that basis to the uttermost. That upon which they chiefly relied continuously, as their program developed, was Article IV, section 4 :

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion ; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

One can easily see the picture in the minds of those who wrote this article.

In 1860 men were as confused in their ideas of what constituted a republic as they are today. Republics were easy to define in 1789 — a king or not a king. Athens had been a republic with its slaves, Rome with its differentiated classes of citizens, and Venice with its oligarchy and its Bridge of Sighs. Not so with the Kantians of the 1860's and those who made a weapon of their pure thought. A republican form of government must conform to the pure essence of republican reality ; liberty and equality must be universal, though just where fraternity was to come in is difficult to say. The ideal to which the governments of the Southern states must be made to conform was not founded on Northern practice, for negroes, outside of New England, could vote only

in New York ; while in some states, as in Illinois, they were held strictly to a color code. In the minds of some it rested, as had so much American legislation, on what they conceived ought to be ; in the minds of others it rested on what would make permanent the temporary dominance of their party. They would recognize the government of no seceded state that did not reach the mark they set. Such an interpretation of this constitutional clause would be hard for a strict-constructionist Supreme Court to accept, but there was good hope that no action need come to judgment before a new court was sitting.

These constitutional interpretations were but the means by which an end was to be obtained — the terms of peace. On December 15, 1863, a House committee of nine was authorized to consider the subject of reconstruction, though the word was carefully avoided. Its chairmanship was given to the brilliant Henry Winter Davis of Maryland. On May 4, 1864, the bill it reported, after much debate and with many amendments, passed the House, 75 to 59. In the Senate it was referred to Senator Wade's committee on territories, where it underwent drastic revision. The interest in the subject and the wide public attention given it seemed to indicate that whatever bill passed would be taken effectively as the platform of the Republicans in the presidential election which was now coming to obsess all minds. A qualm induced the Senate to accept after one day's debate an emasculating amendment offered by Gratz Brown of Missouri, Radicals combining with Conservatives, 26 to 3. The House was firm, and on July 2, 1864, the bill in its original form was passed by the Senate 18 to 14 — a Radical triumph and certainly an act of faith in the electorate. On July 4 Congress adjourned.

This bill, called the Wade-Davis Bill from the names of the House and Senate chairmen, was the principal work of Congress for the seven months' session. It was far from representing the wishes of the Radicals, who still needed moderate votes to pass their measures and re-elect them ; but it contained elements sharply contrasting with the proclamation of the president. Temporary government in recaptured states was to be in the hands of a provisional governor, appointed by the president and with the

advice and consent of the Senate. Reconstruction should begin when military resistance should be suppressed and the people had returned to their obedience. When that time arrived the governor should order an enrollment of all white male citizens, and deputies should proffer to each the oath to support the Constitution. Should a majority take the oath, an election of delegates to a convention should then be ordered. In these elections only those could vote who would take the so-called iron-clad oath, formulated July 2, 1862 :

I, A.B., do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof ; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto ; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States ; that I have not yielded a voluntary support to any pretended government, authority, person or constitution within the United States, hostile or inimical thereto.

Such an oath might be taken, though in most cases with a bad conscience, by conscripted soldiers, but it eliminated volunteers and all civil officers. If administered by a scrupulous official it might without much strain exclude taxpayers. While a majority promising to obey the Constitution could procure for the state the privileges of a convention, those legally allowed to participate would constitute but a small percentage of the population.

Delegates chosen by this tested electorate were to meet in convention to adopt constitutional provisions for the permanent disfranchisement of high Confederate civil and military officers, abolition of slavery, and repudiation of all debts created during the period of secession. A new constitution embodying these provisions should then be drawn up and submitted first to a referendum vote and then to Congress. Should this process fail of accomplishment, the ordinary functions of government should be carried on by the provisional governor under the sanction of Congress and by direction of the president.

One essential difference between this plan and that of Lincoln

was that it was given the fixed rigidity of law in the place of the flexibility of an emergency war measure. A second essential difference was its seeming democracy in waiting for the enrollment of half the voters instead of one tenth only, but this was far more than offset in excluding from the electorate charged with reconstruction all those who had been voluntarily disloyal. In the third place this element of punishment was to be made permanent by a state constituted exclusive of Southern leaders. Both of these provisions looked to the transfer of power in the South to the mountain whites, as those of East Tennessee. It was hoped that these loyalists would build up a governing and controlling element that would ally itself with the Republicans and so secure that party. They were also rolled under the tongue as an appetizer by those who wished punishment to follow treason. The clause about debt repudiation was, of course, just and proper, in entire accord with the principles of international practice as adapted to the intricacies of a federal system, but it contained also an element of punishment in that the debt was owed to those who had had capital, the seceding planters. No line of the bill suggested the existence of a social problem following emancipation or the civil status which the negro would enjoy. It lacked Lincoln's insistence that the negro must be educated.

It is plain also that the mode of operation described in the bill would have to await the ending of the war. Not without cleverness was it framed for a double purpose. One was to withhold the hand of the president. The other recalls the Republican tactics of 1860, when the Republicans had presented the Morrill tariff bill as an earnest of their purpose more convincing than a party platform ; so this was to be a statement of their war aims. As in 1860, the Republicans had understated their purpose, so now this bill refrained from expressing the full design of the Radicals. Wade was actually not in favor of regarding the Southern states as still states in the Union ; and the majority, as a matter of right or of policy, were in favor of ultimate negro suffrage. These were desires but temporarily suppressed, for a complete check was preserved in retaining for Congress the final

determination as to whether the constitution to be presented did or did not meet the rising standard of "a republican form of government."

Throughout the winter and spring the gossip at Washington was that Lincoln was serving his only term. Criticism ran the usual gamut of complaint. His methods of doing business were irregular, and orderly men believed them demoralizing. When generals driven to desperation — as generals always had been in America by the rural and frontier habits of their troops, deserting, overstaying furloughs, sleeping on guard duty, fraternizing with the enemy — finally decided to make an example and when an order of execution in proper form with full documentation went through the required channels, execution was sometimes stopped by a presidential signature, without a presidential conference. Sometimes the smooth-working machinery of government was thrown out of gear by an informal scrawl in Lincoln's handwriting on a scrap of paper. He seemed to many to have neither a sense of order nor nerve — a good man, doubtless, but not one to handle the tough practicalities of office.

While such men talked of his inefficiency, others suggested that the fault was more fundamental. His aim was wrong. He was an idealist in the sense in which the practical man uses that term; his hope of reconciling the South was futile, and in pursuing it he was surrendering the weapons upon which control must rest; gazing at the stars, his feet stumbled over the obvious and endangered the precious burden he was carrying. Equally was he unsatisfactory to those who themselves were guided by a star. With a weak, at times a mawkish, sentimentality where persons were involved, he failed to grasp the God-given duty of his age. His actions and his words proved him a laggard on the subject of freedom and of equality. If one were to take Greeley's estimate, he was the twenty million and first to be converted to emancipation. He had professed to prefer gradual emancipation to immediate emancipation. He treasured an interpretation of the Constitution which might let slavery remain as an institution. He quieted rather than inflamed the burning spirit of right which by

God's grace might cleanse the nation of its sins. The crusade had arisen without his leadership, but might he not instead of leading it against Jerusalem make terms with a Saladin ?

In lobbies and offices, at state receptions and in gambling hells, habitués fed each other with new tales and swelling rumors. Lincoln could not be re-elected, he should not be re-elected — the nearer one penetrated to the inside the louder grew the refrain. As Lincoln's figure swayed in the wind, that of Salmon P. Chase took the air. He seemed to possess all the qualities which Lincoln lacked, and none among the Radicals was so unobjectionable. He never swerved from the dominant ideal, but he was practical enough to run the treasury while the North was rioting in the glittering prosperity of war. His stately phrases rarely committed him to definite acts. In February 1864, he seemed to the Washington drawing-rooms the most likely to be the next president. Nor was it the mere breath of opinion that raised his pennon. An army of treasury employees sang his praises in return for the places for which he fought so hard in the cabinet. The scattered orchestra of reformers raised its mysterious harmony in his favor. The politicians accepted him as the most available substitute. The anti-Lincoln movement reached a peak a little too early, and then came setback after setback.

On February 8, 1864, Senator Samuel C. Pomeroy of Kansas, chairman of the National Committee of the Republican party, sent about a circular that reminds one of Hamilton's circular on John Adams in the election of 1800. He pointed out why the president chosen by the party was unsatisfactory and suggested Chase in his stead. Its reception was far, very far, from being satisfactory. There was no resounding wave of popular enthusiasm such as might be taken as the voice of the people ; instead, there was a flatness that many of Pomeroy's associates attributed to untimeliness. Chase was left in a position palpably uncomfortable. He possessed too much dignity to scramble for position, and so offered his resignation, at the same time disassociating himself from the movement. Lincoln invited him to stay in the cabinet, and a withdrawal might well have seemed a desertion at a critical moment. Chase remained, but to do so it was neces-

sary to make plain that he was not a rival for the position which his chief occupied. The Pomeroy circular eliminated the first choice of the discontented.

Unquestionably the Radicals at the time, though so well organized in Congress, had not extended any special system through the states. Demoralized by the withdrawal of Chase, they lost in the state conventions delegates to the national convention to be held at Baltimore on June 7, 1864. A small minority sought to forestall the action of the convention. Calls were sent for a mass convention to meet at Cleveland on May 31, and about three hundred and fifty individuals responded. Their brief platform attacked the administration for its failure to secure honesty and economy and for its failure to overthrow the empire of Maximilian in Mexico. More pertinently it declared for a one-term presidency, for reconstruction of Congress, and "That the confiscation of the lands of the rebels, and their distribution among the soldiers and actual settlers, is a measure of justice" — many a soldier marching through the South selected his portion. For president they nominated General John C. Frémont, whom Lincoln had treated so cavalierly in Missouri, and for vice-president, General John Cochrane.

Undeterred, the regular convention met at Baltimore as planned and carried out without a hitch the program of the president. Its call had included all "who desire the unconditional maintenance of the Union, and the complete suppression of the existing rebellion, with the cause thereof, by vigorous war, and all apt and efficient means." Its platform emphatically emphasized its Unionism rather than partizan purposes. There was no word of Republican policies, except a strong assertion of war until the Union should be restored and a purpose to end slavery by constitutional amendment. Soldiers should be cared for after the war, and their survivors and the national debt should be "kept inviolate." To make plain the non-partizan character of their purposes Hannibal Hamlin was not renominated as vice-president, and in his place was put Lincoln's choice, Andrew Johnson, who had been, was, and was to be, a Democrat, but also an ardent supporter of the war and pledged to emancipation.



This action gave its peculiar importance to the Wade-Davis bill. Since the Union party was going into the election with no program on reconstruction, except its professed confidence in Lincoln, that bill would become an addition to the platform. The Radicals, having lost the convention, seemed to have won their point through their control of Congress.

With a Radical candidate and a Radical program before the country Lincoln was once more in a dilemma. Should he sign the bill and adopt the Radicals, as he had done in 1862? If he vetoed the bill, would it not throw all the Radical support to Frémont? The situation was different from that of 1862, for then Lincoln sympathized with the demand for emancipation, whereas now he opposed the plan of Congress. Foremost in his mind, however, was his fear of defeat at the hands of the Democrats, with the consequent loss of the war. Would not his own program of limited objectives have an electoral advantage over the more drastic proposals of Wade and Davis? His action was characteristic — one of those shrewd and original moves that baffled his antagonists, even though it angered them. The bill had been passed at the very end of the session of Congress and so was subject to a pocket veto, lapsing if the president failed to sign it. Lincoln, however, did not let it go at that. On July 8, 1864, he issued a new proclamation. In it he stated that Congress had expressed its mind on reconstruction in the bill just passed, but that he as president was not prepared to commit himself to any one plan and therefore had failed to sign it. Nor was he prepared to "set aside" and hold "for naught" the work already done in Arkansas and Louisiana. He was equally unprepared to "declare a constitutional competency in Congress to abolish slavery in States," while at the same time sincerely hoping and expecting that a constitutional amendment abolishing slavery throughout the nation might be adopted. Nevertheless, he was satisfied with the system proposed in the bill "as one very proper plan for the loyal people of any State choosing to adopt it," and was ready to give them executive aid in carrying it out, appointing military governors for the purpose — in place of the provisional governors subject to the confirmation of the Senate as provided for in

the bill, thus asserting his intention of continuing executive control.

It is not necessary to imagine the wrath of the authors of this bill at the treatment which their work received. On August 5 Wade and Davis replied by a manifesto, published in the New York *Tribune* and addressed to the "Supporters of the Government." In terse sentences the manifesto attacked the usurpation of the executive, charged Lincoln with the intention of securing his election by the votes of the states he was reconstructing, and wound up with an appeal to the supporters of the government to see to it that the president "obey and execute, not make the laws." "Let them consider the remedy for these usurpations, and, having found it, fearlessly execute it." That way was clear. On August 20 a letter was addressed to Frémont asking him if he would withdraw if Lincoln would, and so "unite the thorough and constant friends of a vigorous prosecution of the war in a new convention." There was much talk about finding that rare thing, a leader acceptable to both sides. In the minds of Wade and his inner circle he had been found already. Incredible as it must now seem, the savior was to be Benjamin F. Butler who was already puffing with the potentialities of his prospective importance. A Breckinridge Democrat in 1860, no one was now more Radical than he, nor more hated by the hated enemy. His impudent replies had been hurled at foreign consuls as well as at Southern women; his catch-words caught on; he had been at least concerned with the capture of Hatteras Inlet and of New Orleans. If now he could but score in his present assault on Richmond by way of the James, his laurels would shine fresher than those of Grant's, now bloodied as the summer days advanced.

Butler did not score; the people did not rise in anger against Lincoln's usurpations. On September 21 Frémont withdrew and Lincoln, the victor, threw a bone to the defeated wolves by sacrificing the postmaster-general, Montgomery Blair. Blair had been Lincoln's chief comfort in the cabinet, but his dismissal pleased Davis, whose rival Blair had been in his home state of Maryland. The sop was just enough, and it gave no earnest of surrender.

Lincoln remained on friendliest terms with Blair, appointing Blair's warmest friend to succeed him, and the cabinet was not reconstructed along Radical lines. Lincoln unexpectedly accepted Chase's fourth resignation, and to his place at the treasury appointed the moderate Fessenden. Soon Wade was campaigning for the Union ticket, and the "supporters of the Government" were regimented for the contest with the Democrats.

It was, of course, this contest, and not that with the Radicals, that was the proper issue in 1864. The Democrats came into it with all the impetus which four years of war, as yet unsuccessful and with all its errors and rumors of errors inevitable in such a contest, could give the opposition. By 1864, however, their lack of leadership had impaired their opportunity to take advantage of them. Their electoral victories of 1862 had given them a responsibility in nearly every state but almost no power. The war was now being carried on by national agencies, the states having shot their bolt. Only in New Jersey did the Radicals control the full state government; elsewhere they could only block. It was natural that a sense of futility aroused anger and gave power to the more radical leaders, those opposed to the war. Under such leadership they used their power which was limited to state concerns. The chief objects upon which they could express themselves were the two which became the foci of debate — the question of allowing soldiers to vote in the field and that of providing for the dependents of soldiers. Here they were effective, but it was a Pyrrhic victory, for if human ingenuity could conceive actions less likely to evoke popular support in war time it has not yet done so.

One chance they had, that of incurring martyrdom, and this fell to the extremist leader Vallandigham. In April 1863, he was campaigning in his district in Ohio, speaking with his customary earnestness and violence. The blundering Burnside was at that time in command of the district with headquarters at Cincinnati. He sent some young officers to report Vallandigham's speech delivered at Mount Vernon on May 1, 1863. On this evidence gathered by the officers Vallandigham was tried before a military tribunal under the president's proclamation of September 24,



**THE TRUE ISSUE OR "THATS WHATS THE MATTER".**  
Friends of McClellan believed it necessary to elect him President of the  
United States to save the Union  
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1862, was found guilty, and condemned to imprisonment for the duration of the war. The handling of such cases in war time is always a dangerous business. However guilty, political opponents of the government, if executed, become martyrs from whose graves spring hosts of unexpected enemies. Yet leniency is condemned by an anxious public, fearful that they are endangering the lives of loved ones at the front. Lincoln solved the difficulty by one of his characteristic strokes. By banishing Vallandigham to the Confederacy Lincoln turned an impending tragedy into a healing laugh and left Vallandigham slightly ridiculous and established in the public mind as an enemy of the Union.

The chagrined and unhappy Vallandigham soon made his way through the blockade to the Canadian city of Niagara Falls, which began to be a second anti-capital, teeming with dissatisfied Northerners and Confederate agents. From there he conducted in 1863 a campaign for the governorship of Ohio, which the year before had given a Democratic majority. His defeat by a majority of a hundred thousand was evidence that the thought of separation was still distasteful.

The increasing strain of another year and the rifts among the Republicans gave new Democratic hopes; and, if one may judge from the estimates of so competent a reader of the public mind as Lincoln, they had justification. The opportunity and the crisis were sufficient to force their two wings into combination, if not to harmony. Beginning a policy they were long to pursue, they allowed one group to write the platform, the other to select the candidate; and it is interesting to note that in all cases the majority chose the candidate, thus emphasizing the importance attributed to the executive. The Democratic convention, meeting at Chicago on August 29, declared:

As the sense of the American people, that after four years of failure to restore the Union by the experiment of war . . . justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate convention of the States, or other peaceable means, to the end that, at the earliest practical moment, peace may be restored on the basis of the federal Union of the States.

It stood for the Constitution as it was ; it denounced the usurpations of the executive and interference with the rights of states, particularly those of the border ; and it promised good treatment to the soldiers.

As candidates it selected General George B. McClellan and "Gentleman George" Pendleton of Ohio. McClellan had either given his best efforts to win the war or he was a traitor. As a War Democrat he was committed to the possibility of a victory, withheld, so the party leaders claimed, by the incompetence of the administration. He accepted the nomination but repudiated the platform. He declared for peace on the basis of union, for he could not look his comrades in the face and tell them "that their labours and the sacrifices of so many of our slain and wounded brothers had been in vain ; that we had abandoned that Union for which we have so often imperilled our lives." He campaigned for a more efficient conduct of the war and for the Union as the requisite, but sole, condition of peace. His sincere Unionism could not be doubted, and yet the advocates of peace could not but prefer him to Lincoln and Johnson.

The chief campaign material was the events of the war ; yet intention pointed its significance. When Seymour had been elected governor of New York in 1862 Lincoln had written him offering to co-operate with him to win the war, but his offer was ignored. Now he drew up a document which he asked his cabinet members to sign, sight unseen ; when they had signed, he sealed it. After the election it was opened and found to commit them, in case of McClellan's election, to co-operate with him to win the war before his inauguration, as Lincoln believed it could not be accomplished with a Democratic Congress. More pertinently Lincoln sounded the intention of the Confederacy. He authorized Horace Greeley to consult with Confederate agents at Niagara. The two facts that emerged from these negotiations were the ones that he intended to make plain : that Lincoln would not make peace without freedom, and that Davis would not consider peace without independence. Subsequent to the election the sincerity of Lincoln's intention in such discussions was proved by his last annual message, by his allowing old Francis

Executive Mansion

Washington, Aug. 23, 1864.

This morning, as for some days past,  
it seems exceedingly probable that  
this Administration will not be re-  
elected. Then it will be my duty  
to co-operate with the Presi-  
dent, as to save the Union between  
the election and the inauguration,  
as he will have secured his elec-  
tion and feel grown that he cannot  
possibly save it afterwards.

A. Lincoln

William H. Lawrence  
1612 1/2 E. Wisconsin

John W. Stanton

William H. Wells

Edmund H. Wells

W. H. Wells

C. P. Wells

August 23, 1864.

A reproduction of the pledge which President Lincoln asked his Cabinet to sign, contents unknown to any-  
one but himself, before the election of 1864, and while he was in doubt as to who would be elected President.

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Blair to visit Richmond on another peace mission, and by his own conference with Alexander Stephens at Hampton Roads.

Equally clarifying was the action of extremists among the Democrats who, thwarted by McClellan's stand, began to plan direct action. Secret organizations, the chief being that of the Knights of the Golden Circle, entered into negotiations with Confederate agents, chief of whom was Jacob Thompson at Niagara, and arranged various outbreaks, as great fires in New York City and Cincinnati and a riot in Chicago which should result in a prison delivery of thousands of Confederate prisoners. The existence of such plots and some of their designs were learned by the Pinkerton agents, but secrecy shrouded and increased the numbers involved ; and the menace in October loomed portentous over the Southern portions of the Mid-West. Their plans were thwarted and, through news of their terrorist intentions, were disseminated from a great court of inquiry sitting at Indianapolis. Terrorism is rarely good politics, having generally more recoil than discharge, and such seems to have been its effect in 1865.

The most vital arguments were those from the battle-field. These were convincing to the well-informed, but they left the majority uncertain. Strategists knew that Sherman's capture of Atlanta on September 2, 1864, marked the beginning of the end, but to the majority it was only another victory, as was Farragut's battle of Mobile Bay on August 5, 1864. Nearer at home Lee still held Grant ; Hood was renewing the perpetual see-saw in Tennessee ; and Sherman and sixty thousand men were lost to the public in the Empire State of the South. On the stump the war could still be presented as a failure but, on the whole, public opinion seems to have been keen enough to sense success.

Political interest, in spite of the competition of the battle-field, was as intense as in 1860. With less display the whole people threw themselves into the contest. In Pennsylvania, sects whose principles had kept them from the polls decided that this was a moral issue and came en masse to vote for Lincoln. An issue was certainly felt to be at stake by the whole of the free and intelligent American electorate.

Naturally the states in the Confederacy took no part ; and

Congress, after the election but before the counting of the votes on February 8, 1865, rejected the returns from those states reconstructed by the president, as well as the returns from Virginia. On the other hand, three states were now recognized which had not existed in 1864 — West Virginia, Kansas, and Nevada. Lincoln took justifiable pleasure in pointing out that in those areas that had participated in both elections the vote had risen from 3,870,222 to 3,982,011. The total popular vote was 4,166,537, of which Lincoln received 2,213,665 in place of 1,866,412 at the previous election. Whereas he had then won but a minority of the total, he now had a popular plurality of 494,567, with 212 electoral votes in place of 180, and embracing all those cast except 3 from Delaware, 11 from Kentucky and 7 from New Jersey.

Perhaps the most remarkable fact was the stability of party lines, if one may judge from the votes. This very stability lends interest to slight variations. Gains were not uniform. The Northwest showed a very slight shift toward Lincoln, his small increases being accompanied by Democratic losses in Illinois, Indiana, Ohio, and Iowa. In the northern tier he was relatively less strong. In New England, except Massachusetts, the Democrats gained more than the Republicans, and in New York, Pennsylvania, New Jersey, Michigan, Minnesota, and Wisconsin, there was a distinct, though slight, Democratic swing. On the other hand, Lincoln won heavy increases in the border states, barely losing Delaware, winning Maryland and Missouri, and securing 27,786 votes even in war-harassed Kentucky in place of the 1364 which he had received in 1860. It seems plain that his border-state policy bore political fruits and that confidence was felt in his desire for reconciliation. A comparison of earlier and later elections would seem to show that his battle with the Radicals cost him something and that had he allowed it to become a break the result might well have been serious.

The most important effect of the election was the crushing and definitive blow it gave to the hopes of the South. The Confederacy had lost in diplomacy, its material resources could by no chance maintain the struggle until the North had another opportunity to change its point of view; four years of war left the

North determined to maintain the Union unimpaired if not strengthened. The cause of the South was lost and with it, slavery. The election marks the end of the Civil War as a struggle, and it remained only to deliver the *coup de grâce*. Sensible men began to leave the Southern armies, not from lack of loyalty or from despair alone, but from the pragmatic recognition that the end was now inevitable. Others through loyalty, through honor, through hatred, and through reckless carelessness of consequences continued to fight as some men always fight when all is lost.

In time of war, more remarkable was the triumph of Lincoln, who so boldly stood for moderation in victory, for reconciliation with the conquered. To have kept the people of the North firm for victory and still to hold out the hand of brotherhood and conciliation is what gives him his place in history as remarkable as that of Washington who, twice having the power in his hands, twice returned it to the people. Whether or not democracy is ideal, such acts represent the ideal democracy. To be sure, the second triumph of Lincoln, so much more choice and rare than the first, was not so complete. The Radicals, too, won their re-elections and maintained their purposes. When Congress reassembled, the struggle still went on. The radicals, as has been seen, refused to recognize the state governments which Lincoln had reconstructed ; they hit his executive prerogatives by a bill limiting his control of the civil service. Yet the two factions united in offering to the states an amendment to the Constitution abolishing slavery, and in establishing a Freedman's Bureau to assist the negro on the road to freedom. Lincoln was unswerving in his purposes, still possessing the confidence of the people ; and the chance remained of setting before the world an example of how a democracy could insist on the rule of the majority while remaining considerate of the welfare and the rights of a defeated minority.

Lincoln's policy was due to his inherent qualities of mind and character ; its success, however, was due to the radiation of his personality and to his political capacity. Why did the Radical attempt to defeat his renomination fall flat when the delegates arrived at Baltimore ? Why did the public fail to rise against him

when Wade and Davis asserted that he had flouted the dignity and the powers of Congress? Why did the majority vote for him, though uncommitted to any definite plan of peace? One cannot answer such questions by the study of the intricate political wires running out from Washington to states and districts, but rather by the wireless of human contacts which during four years had been building up in the minds of millions an idea of the man.

During the war, Washington was the heart through which pulsed the life-blood of the nation. Millions of men marched through it, backward and forward — men drawn from the remotest hamlets and most far-flung homesteads. Hundreds of thousands of women, wives and mothers, came on missions of love and urgency. Politicians, newspaper men, humanitarians, lobbyists, preachers, panderers, doctors, nurses, contractors, saints and sinners, the curious and the purposeful, crowded its accommodations and tramped its muddy streets as never before and, in proportion to the population, as never since. Among them Lincoln lived almost as freely as he had in his home town. He received all possible in his office, he turned up unexpectedly in other offices, he walked the streets, he drove and rode through the city, he attended the theatre, he shook hands in the customary American manner with thousands who passed through the White House receptions. With the confidence of a man sure of himself he talked freely in his old familiar manner with all and sundry, as man to man, with a broad human sympathy that met the basic quality of each, though sometimes failing of contact by his disregard for the conventions in which some souls were encrusted.

Without effort he gave to those contacts some element of distinction. In a crowd he was always visible by his height, enhanced by his hat. His position as president could not but add to the conspicuousness of his figure. Visible to all, he was never without action, and individuality fixed the picture. A word, a gesture, gave something that could not only be remembered but described. With something of the infinity of truth each took away some new facet. As he has attracted more biographers than any other American, so there is no other to whose under-

standing each scrap of evidence, from him or about him, adds a new understanding. For four years those returning from Washington carried home something that circulated through their communities and gave a sense of personal relationship. People still regarded his actions as awkward, and his face, which with the progress of photography and reproduction became more familiar than any up to his time in history, as homely ; but the word took on some of the English sense of homey. No one could look upon Lincoln's face without feeling sincerity and suffering and kindness ; it withered charges of carelessness and callousness, and at least rendered improbable the charge of a lack of determination.

When Lincoln reached over this cloud of witnesses to speak directly to the country as a whole, he spoke with the humility of a great artist who is never so confident as to forgo labor. Precision of thought and language was ever his aim, and he well knew the dangers that lurk in iotas. He spoke or wrote for all, though not often, and always briefly. His drafts had few interlineations as his pen had become sure, but they were kept at hand and reread and tested and sent forth in confidence ; they were so simple that Americans did not realize until told by Englishmen that they were literature.

From his arrival in Washington until his death, his life can be told almost day by day, and often hour by hour. One fact that emerges is that he stuck to his job. He did not work by hours ; midnight, three o'clock in the morning, all night, occur frequently in the record of his toil. Public announcements were made on those days when he could receive no callers because he was busy on a message to Congress. Twice he was ill, but he seems to have been incapacitated one day only. He was almost always in Washington, spending the hottest months at the Soldiers' Home, from which he frequently rode in at six o'clock in the morning. Once he went to Philadelphia to make a speech at a Sanitary Fair, once to Baltimore and, as all the world knows, once to Gettysburg. Often he went South to visit the army ; royalty was never more attentive to its troops. They were greeted on arrival, sent home with word of exhortation, followed to the front and cheered in hospitals. At first they were shy of

the tall stranger but, by July 1861, he was met with continuous cheers and soon became Father Abraham. He rode well on his horse ; he was devoid of personal fear but was obedient when ordered away from a point of danger. Sometimes he spoke, sometimes he was only a friendly presence. Ira Seymour wrote on April 5, 1863 :

None of us to our dying day can forget that countenance ! . . . Concentrated in that one great, strong, yet tender face, the agony of the life and death struggle of the hour was revealed as we had never seen it before. With a new understanding, we knew why we were soldiers.

The main business of his life was conference — minutes and hours and broken weeks spent with cabinet, seekers of office and clemency, profferers of advice. In most was some element of antagonism, for the contented do not need to confer. Some were important, some vital, some fruitless or trivial. His manner varied with the topics but more with the men. In only one record did he lose his temper. When a delegation with regard to California appointments presented a paper impugning his early and beloved friend, Senator Baker, he tore up the paper and threw the pieces into the fire. Often he would end controversies by assuming, sometimes without cause, the errors of others, as when General Weitzel, the Union ruler of captured Richmond, failed to see that prayers were said in the churches for the "President of the United States." As frequently he asserted his position, and the conferees went away dissatisfied. New Englanders tended to be condescending. John Lothrop Motley, who was twice to make an egregious ass of himself in the diplomatic service, regretted, in a letter of June 21, 1861, to his wife, Lincoln's ignorance of state matters, but : "I am now satisfied that he is a man of very considerable native sagacity, and that he has an ingenious, unsophisticated, frank and noble character" ; he was also impressed by the "untaught grace and powers" of the impending message which Lincoln read him. Richard Henry Dana wrote on May 4, 1864 :

He was sobered in his talk, told no extreme stories, said some good things, and some helplessly natural and naive things. You can't help feeling an interest in him, a sympathy and a kind of pity; feeling too, that he had some qualities of great value, yet feeling that his weak points may wreck him or wreck something. His life seems a series of wise, sound conclusions, slowly reached, oddly worked out, on great questions.

Nearly all who recorded their impressions after such conferences echoed that of William Cullen Bryant, August 1863: "I left him with a perfect conviction of the excellence of his intentions and the singleness of his purpose, though with sorrow for his indecision." A very hostile delegation from Missouri thought him at first a pettifogging lawyer, but "as he talked on and made searching inquiries of members of the delegation and invited debate, it became manifest that his manner at the beginning was really the foil of a master to develop the weakness of the presentation." Most exciting was that long conference with the cabinet and the congressional committee which desired the reconstruction of the cabinet by the removal of Seward. Earnestly, with bitterness hardly concealed, the conference worked forward to the point where Chase was goaded to tendering his resignation also. Lincoln stepped forward quickly, took it before it was offered, and with a cheerful laugh remarked: "This cuts the Gordian knot," and ended the affair by declining both resignations with beaming good nature.

The complex life of the presidency he lived with just that touch of unconventionality which endears any ruler to any people. The main and important conventions he observed. He received as directed foreign diplomats and notables; he punctiliously attended funerals and was present at the proper weddings. The matter of pardons for military offences was and is widely commented upon, with the general feeling that his kind heart was destructive of discipline. The fact is that he examined with legal care such cases as came to him and in a majority of those cases refused to interfere. Yet he persisted in his policy of responsibility and willingness to act. On October 9, 1861, he pardoned a boy sentenced to death for sleeping at his post. On August 21,



1863, he asked Stanton to grant a furlough to a seventeen-year-old boy who had met him and requested it of him. On March 31, 1865, he pardoned another who had been sentenced to three years' imprisonment for desertion because he had overstayed his leave to be with a dying sister. He strongly and repeatedly checked the special assessments on the property of Confederates and the disbarring of disloyal clergy in Missouri. When on January 26, 1865, a committee, representing fourteen thousand women of Philadelphia, told him of the unfair wages paid them by government contractors, he sent at once for the acting-quartermaster-general and instructed him that wages for government contract work be made remunerative.

In lesser things, he once attended a dinner at which he was not the guest of honor, so breaking an established point of etiquette. If he had had a bad night he attended meetings in his dressing-gown and lay on a sofa. Following the practice of his day, Lincoln was shaved and, like Theodore Roosevelt, he used the shaving hour for conference. George Bancroft reports a White House reception where Lincoln saw and half-recognized him. He "took me by one of his hands, and trying to recall my name, he waved the other a foot and a half above his head, and cried out, greatly to the amusement of the bystanders, 'Hold on, I know you; you are — History, History of the United States, Mr. — Bancroft,' and seemed disposed to give me hearty welcome." He did odd things, as one day he gave a negro with whom he had conversed a check for five dollars, made out "To a colored man with one leg." He admitted a newspaper reporter to a conference with certain Northern governors. He held important consultations with Tad sitting on his knee. Yet apparently of his own good sense he refused to parade at a meeting of the Christian Commission and at no time accepted such a responsibility for any organization, though in many cases attending and sometimes speaking. Thoughtfully he informed Grant that he should deliver a little speech when he conferred upon Grant a lieutenant-general's commission and that Grant might read a reply.

He wore no mask. His great gaunt frame was but a thin veil

for the spirit within. Men who saw him when grieved or worried describe him as not merely gloomy but ill ; when his mind was serene, those who met him remarked upon his glowing health. He was natural, not as a child, but as a mature man who has selected and disciplined his qualities and can be both natural and consistent. His native melancholy was under good control. General Lew Wallace, meeting him in 1864, after two years, noted him thinner and worn, but "The certain indefinable cheeriness in his clear voice was winsome even more than ever, and they stayed with me." He talked of what he felt. At Fortress Monroe he called in an aide from the next room and read the line : " 'And, father Cardinal, I have heard you say, That we shall see our friends in heaven.' If that is true, I shall see my boy again." Jokes came as easily as spring rain, and they eased many a situation ; some ran through the country. A lady came from Baltimore just to look at him ; a trained diplomat could not have escaped the awkwardness more neatly : "Well, in the matter of looking at one another . . . I have altogether the advantage." When Jay Cooke remarked the contrast of Attorney-General Bates's white beard and black hair, Lincoln commented : "Well, it could hardly be otherwise, and the cause is that he uses his jaws more than he does his brains." When Dana announced to him, April 14, 1865, the capture of Jacob Thompson at Portland, Maine, Lincoln said : "Let him go. . . When you have an elephant on your hands, and he wants to run away, better let him go." To a committee of the Union League informing him, on June 9, 1864, of its decision to support him for re-election he made the famous reply, that he supposed that they had decided it was better not "to swap horses while crossing the river." As quick as his jokes was his correction of a young interne, guiding him in a hospital, who said : "You won't want to go in there ; they are only rebels." Lincoln instantly replied : "You mean Confederates." Slow in coming to a conclusion, his mind was singularly quick, sometimes out-distancing the words, as when he greeted Schuyler Colfax and a friend coming to complain of General Weitzel : "Good morning, gentlemen, I just took care of that

Weitzel matter." Tears were not as free to come as jokes, but he shed them unashamed. He left McClellan's office with tears streaming down his cheeks, stumbling as he passed into the street, after hearing of Baker's death at Ball's Bluff.

In Washington he read the newspapers widely and irregularly ; he read assiduously the war-time humorists, particularly Artemus Ward and Petroleum V. Nasby. He undoubtedly enjoyed them, and they were the busy man's drug for dreamy humors. Why he persisted in reading them aloud to his cabinet, most of whom considered them frivolous and were hardly mannerly enough to conceal it, is more difficult to understand. Perhaps a mild baiting gave added relish, and who would not enjoy seeing Lincoln, with the Emancipation Proclamation in his pocket, reading Artemus Ward to Salmon P. Chase ? Men and encounters with men were his joy and recreation, and perhaps a boyish spirit of mischief prepared him for the contest of wits yet to come, enabled him to enter it with that happy cloak of tolerance which is so useful in foiling armor rusted with irritation. Away from the crowds of Washington and at sea, it was not the humorists that he read to his companions, but the poets. On the trip to Acquia Creek, May 22, 1862, with Stanton and Captain Dahlgren he read from Halleck's poems. Generally it was Shakespeare. His letter to James K. Hackett thanking him for his book on Falstaff brought one of the first words of praise from abroad. The *Liverpool Post* commented :

Its simplicity and candor are as fresh and delightful as new-mown hay. Only fancy a statesman, a President, confessing frankly he had never read Shakespeare through ! ! . . . Depend upon it there is much good, truth, and honesty in any man, and especially in a public man, who admires and respects Shakespeare, and yet voluntarily says he has not read all his plays. But we are more pleased still with Mr. Lincoln for having read several of the plays many times over.

His favorites were *King Lear*, *Hamlet*, *Richard III*, and especially *Macbeth*. He was familiar enough with the Bible to turn to it when confronting a delegation and find a rather unusual quotation with which to illustrate his point of view.

Lincoln was as careful of formal expression as he was free in his familiar intercourse. His innumerable little speeches said little, generally combining a platitude with a joke. His purpose of avoiding casual commitments was made completely plain. Serenaded at Gettysburg in November 1863, he said : "It is somewhat important in my position that one should not say any foolish things if he can help it, and it very often happens that the only way to help it is to say nothing at all." On April 7, 1861, he said at a review in front of the White House that he had made a great many poor speeches and now felt relieved that his dignity did not permit him to be a public speaker. His power, both in infusing a mood into such light occasions and in formal utterance, grew as the years passed. His Gettysburg address was delivered, after careful preparation, in November 1863. His letter to Mrs. Bixby was sent a year later, November 21, 1864. His second inaugural was delivered March 4, 1865. The happiest of the extemporaneous efforts was his last, April 10, 1865. With this power grew his general popularity. His public reception at the White House, February 6, 1865, was thronged with soldiers, mechanics, and workmen ; a Washington resident said : "I have seen nothing like this since the occasional jams of Andrew Jackson's day."

To Mrs. Bixby, and to all suffering mothers, he wrote :

Dear Madam : I have been shown in the files of the War Department a statement that you are the mother of five sons who have died gloriously on the field of battle. I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering to you the consolations that may be found in the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice on the altar of freedom.

Yours very sincerely and respectfully.

On March 5, 1864 he read :

Fellow Countrymen : At this second appearing to take the oath of the Presidential office there is less occasion for an extended ad-

dress than there was at the first. Then a statement somewhat in detail of a course to be pursued seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself, and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this four years ago all thoughts were anxiously directed to an impending civil war. All dreaded it, all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to *saving* the Union without war, insurgent agents were in the city seeking to *destroy* it without war — seeking to dissolve the Union and divide effects by negotiation. Both parties deprecated war, but one of them would *make* war rather than let the nation survive, and the other would *accept* war rather than let it perish, and the war came.

One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union even by war, while the Government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the *cause* of the conflict might cease with or even before the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not; that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. "Woe unto the world because of offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the

woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn by the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether."

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Of this he wrote to Thurlow Weed :

I expect it to wear as well or perhaps better than anything I have produced, but I believe it is not immediately popular. Men are not flattered by being shown that there has been a difference of purpose between the Almighty and them.

Soon after, he left on his longest trip, to be with the army when the spring offensive began. Hearing from Grant that Lee had evacuated Petersburg, he arrived there at three o'clock on the morning of April 3, 1865. Returning to City Point he telegraphed the news to Stanton at 8.30 A.M. The next morning he sailed up the James to Richmond. Reaching the city with four companions and no escort he walked through the streets to the headquarters of General Weitzel amid the cheers of the negroes. During his stay he rode about to observe the conditions of the city, conferring with many men and dropping in to call on Mrs. Pickett, who had been a youthful favorite of his, and who was the wife of the golden-haired hero of the great charge at Gettysburg. Pickett was still in arms not many miles away, fleeing with Lee before Grant. Lincoln returned to Washington, and on April 9 came Lee's surrender. The gathering crowd at the White House

on the morning of the tenth justly demanded a speech. Lincoln appeared and requested that the band play "Dixie," at the same time remarking, "I have always thought Dixie was one of the best tunes I have ever heard. Our adversaries over the way attempted to appropriate it ; but I insisted yesterday that we fairly captured it. I presented the question to the Attorney General, and he gave it as his legal opinion that it is our lawful prize."

## CHAPTER XIII

### THE RUTH OF WAR

ON MAY 10, 1865, the president issued a proclamation containing the statement : "Whereas armed resistance to the authority of this Government in the said insurrectionary states may be regarded as virtually at an end, and the persons by whom that resistance, as well as the operation of insurgent cruisers, was directed are fugitives or captives." This was subsequently taken by the Supreme Court as marking the end of the war. Already on April 11 a proclamation had substituted a closing of certain ports, a domestic measure, for the international blockade. On May 22 ports, except those of Texas, were opened. On June 23 the blockade was formally rescinded and all ports opened, subject to the temporary use of the army and navy for the purpose of law enforcement. On June 24 restrictions upon internal trade between the states were removed, except for articles contraband in war. On August 29, to go into effect on September 1, all war-time restrictions were abolished and trade was made free except for the laws and "such restrictions as the Secretary of the Treasury may prescribe."

The end of the war determined certain subsidiary results which were almost universally accepted. The Constitution survived, and this thought was balm to the conquered as well as a guerdon to the victors. Was it, however, the Constitution as it had been ? was it unscathed by the storm through which it had passed ? would it be rerigged for peace or newly rigged for changed conditions ?

The question of the future of the Constitution was obviously a national one, but had a nation survived ? The external trappings of unity and national organization rendered it then and render it today difficult to disentangle the debris. If Lincoln was right, there was no geographical entity but a common people. It might be argued that peace was in part an exemplification of the fact that the elements of cohesion were actually stronger than



those of diversification. Yet the latter had pulled the segments apart ; and for four of those long years, which were punctuated by great events and lively emotions, they had fought ; the cut muscles of a living organism had been seared by gunpowder and hatred, and each severed fragment had developed its own and separate power to live and act. They were held together, but would they grow into one ? They were now in the spring of 1865 actually together, but upon what terms would they continue to exist ? Lincoln in 1861 had compared the situation to a divorce ; now the decree had been refused, but what of the household ? Before one nation could securely operate, two nations must be brought into an understandable relationship, as when any two nations have fought and one has been defeated, terms of settlement are a necessity. Elimination of slavery would not abolish those differences of economic interest that rested on soil and climate. Social systems remained not only unlike but opposed. There were indeed no questions of boundary, but there were those of reparations and minorities ; and while separation was out of the question, the problem of conquest or of incorporation was, in many minds, still open.

It is a question whether the clarity of the situation, when two nations internationally sovereign have been in conflict, is not an advantage as compared with the fog of perplexity in which the men of 1865 found themselves obliged to arrange a peace under the pretext that nothing had been broken. Behind the veil of constitutional hair-splitting, the need of decided and accepted terms was not otherwise than after any war, but discussion had to be clothed in the formula of routine community life. No negotiations could take place with the Confederacy, for the Confederacy was dead ; but the people who had comprised the Confederacy were still alive and must consider or be considered. At the close of the Revolution each of the victors dealt separately with defeated England, and the United States came away with nearly all the gains. After the Napoleonic wars the victors and the vanquished sat together at the Congress of Vienna where they conquered France, in spite of the wiles of Talleyrand who divided them and pulled many of the chestnuts out of the fire. Perhaps

the results of the Congress of Vienna caused those who won the World War to arrange the negotiations and to provide the terms for the Central Powers. It was this latter and later procedure that was ultimately followed after the Civil War, but only after the Vienna method had been argued, and still another, that of the fixing of conditions by the president as arbiter to be submitted to both parties, had been rejected. In the spring of 1865 these three methods were in mind, and no method was considered unimportant by a generation which was as meticulous in its choice of ways as it was careful in its election of means. Peace existed, but the peace treaty was not drawn and the formula for its negotiation was in debate.

Peace which usually comes with the autumn arrived with the freshening spring when those who laid down their rifles might yet follow the plow. Peace always brings a brief period of care-free exaltation. Casualty lists no longer filled the press, drawing and repelling. Loved ones were no longer in daily peril of their lives, and with the lifting of this heaviest pall all other evils seemed for the moment light. Things tabooed by blockade or by economy beckoned from the shops; merchants, optimistic at the flow of customers, were lavish of credit. A war has never ended without a moment of gaiety in most eyes, without a boom in trade, a quickening of production, or without a quick relapse into melancholy, cynicism, or antagonism made heavier by the fresh debts so thoughtlessly incurred and granted.

During this brief spring of hope the touch of common life began to heal the great sore of war. Here and there families, sundered for four years, hastened to reunite. Fathers and mothers were generally quick to embrace and forget. It often happened, however, in those days of parental generosity that a brother or sister stiffly refused to see the prodigal, from whichever side he returned; while the new crop of grandsons and granddaughters wrangled and fought the newcomers who refused to "Hurrah for Jeff Davis" or "Hang Jeff Davis to a sour apple tree." Trains and steamers going south carried great shipments of those goods customarily in demand in the Southern markets, and sales were brisk while credit was easy. Non-political organizations began

to be mentioned again. None was more successful than the Episcopal Church. During the war the Southern members of that denomination, following its tradition of a national church, became the Protestant Episcopal Church of the Confederate States of America, prayed for the "President of the Confederate States," and consecrated one bishop, Leonidas Polk, to be a lieutenant-general. The members in the North, however, took no notice of division ; continued to think and act as national ; and, when the regular triennial General Convention was arranged in October 1865, at New York, the usual notification was sent to all dioceses North and South — one Southern bishop and delegates from three dioceses attended — and unity existed without discussion.

Quite rapidly the sterner aspects of military life evaporated. Quickest to be released were the Confederates. When armies, decimated by desertion, surrendered, soldiers were put on parole and hastened away on foot, on horseback, or by train, singly and in groups, for their farm or city homes. Prisoners held in the North were speedily carried to some Southern point, as Nashville, released, and left to find their way. They were accustomed to the steady, mile-consuming march-step, to sleeping in the open, to simple sustenance picked from fields they passed ; and, being in their own country, they were often welcomed and fed. Generally they hastened to see their friends, to know the worst, to start life while planting might still be done. Arrived, there was the killing of some meagre calf or chicken, the warm reception with its many reticences, and then consultation and work. The majority dropped without effort onto the soil from which they sprang.

They continued to be ex-soldiers. Many wore uniforms from economy, some from bravado. Their titles lived on the tongues of men. Their records were the substance of local gossip ; and, coming from an army so largely composed of local units, the criticism of their fellows kept most of those records straight, though growing in the retelling. They became the heroes of their communities. Fellow-citizens sought to honor them, and politicians prospected among them for fresh material to sweeten old tickets. While most found their places, those who had risen

to power in the war, who had shown capacity to handle great tasks, whose names were of international purport, were at a loose end. Many were unwilling to sink back and sought new careers, organizing companies — insurance companies, express companies, railroad companies — to build a new South and their fortunes.

Regimented Northerners still remained in the South, not marching through the countryside, but rather as small squads stationed in strategic towns. Rapidly their numbers were reduced far below the limits usually associated with the holding of conquered territory but a strong reserve made them able to meet any contingency. They were far from being idle garrisons, but rather they were arbiters of destiny charged for the moment with all the functions of government. In many places they were feeding the hungry ; they were a protection against that dreaded primitivism which the whites had always feared might break out among the blacks. Their decisions were generally just and often sensible, and though their presence was hateful, it was soon felt to be more enduring than the evils that would have flourished in their absence.

The dispersal of the Union troops through the North was a slower and more orderly process. Brought as military units to some point convenient to the majority to be mustered out, they were discharged with ceremony but, more important, with pay. Accumulations of back pay, unpaid bounties, allowances, and other dues provided them with substantial sums, seldom less than three hundred dollars and often running to six or eight hundred. With these sums in their pockets, cheered by crowds at stations, with eager children peering down and waving flags and handkerchiefs as their trains steamed under bridges or through villages, fed by the ladies who still maintained their refreshment booths at junction points, they hurried home. Touts beset them, and they fell among thieves ; some sought brothels, some bought gold bricks, some played poker, and some had their pockets picked ; but most made a straight line for home and mother and a steady job, and arrived with enough greenbacks to make themselves reasonably independent. They were for the most part boys ; some of those lately enlisted were only seventeen or eighteen years

of age ; some were veterans of twenty-two and proud of their beards ; some were colonels of twenty-five ; while some of the elders were generals still in mid-life. As in the South, it was the latter who were most restless, for they had won distinction in war that peace had not afforded them and were loath to return to the obscurity of peace.

As a rule, war does not turn ex-soldiers to adventure. Usually they have had their fill. These boys sought their old jobs. Some who had enlisted as exuberantly as freshmen returned after four years of war to fill out their four years in college. Often they returned to the same girl. Savings were used to lift mortgages, to make first payments on new farms, to buy McCormick reapers, for fees to study law. Most were able to find jobs. Women, generally willingly, gave up to them their war-time work ; only in the printing business and in school-teaching did the war-time dislocation of the division of labor between the sexes prove to be continuous and permanent. So easy was the process of absorption that it has left almost no trace in literary sources for the history of the time and must be sought by comparison of statistics and the compilation of individual experiences. A fair percentage of these men everywhere, failing to find what they wanted and moved not more by war fever than by the normal migrating habits of Americans, turned westward to take the homesteads offered free since 1863 by the United States government. Coming by many roads to the next inviting frontier they constituted a large proportion of the pioneer farmers of the upper Missouri valley, taking a great number of the three hundred thousand new farms opened in that region during the decade, but amounting in all to but a small percentage of the whole number of returning soldiers.

As the majority of those who had fought tended to stability and conservation, so, too, the war and the victory had been popular and no recoil of dissatisfaction and cynicism jarred the oncoming generation into revolt. There was, of course, the inevitable wave of crime and violence which comes when those poised between order and their predatory instincts are gathered together. For four years they had been applauded for loosing their passions, and a weakening of moral fibre naturally followed such a demon-

stration of the supremacy of crude force. Habits had been contracted in the camps, such as an addiction to baseball and ready-made clothes and of voting a straight regimental ticket. There was, however, no revolution of manners and no important questioning of accepted morals. Nor was there any seeking of new wars. On the whole, boys had become men in maintaining an established order ; they were pleased with their success and were determined that that Union for which they had fought should live. Thus all wars have some features in common, but each war has its peculiar characteristics. Generalizations are dangerous and are totally unjustified unless based on all-embracing comparisons. The veterans of the Civil War were being swept by a rapid evolution into new ways of life, but those of the North sought no revolution in the social order from which they had come and to which they had now returned. Those of the South were equally satisfied with the past and determined to reduce to a minimum the ~~changes which the war had made.~~

The differences between the two sections were greater in 1865 than they had been in 1860. The great severing institution of slavery, the focus of argument, had indeed been destroyed ; but other differences had been accentuated, and a new gulf of economic disparity had been created greater than that between any conquering and defeated nations of modern times. The South in 1860 was basking in the hey-day of her prosperity ; the North was anxiously recovering from the panic of 1857. For five years the North had been steaming ahead with the accumulating energies of a new era of economic prosperity and the impetus of wartime activity. The South was burned out by an effort beyond its strength and paralysed by the destruction of the system to which its life had been adjusted. The unity of governmental existence was but a thin disguise for inequalities of conditions far greater than those usually existing between separate nations reaching peace through war. Seldom do the issues of such international wars bite so deeply into the vitals of the contending parties.

In proportion to resources and in actual figures the war had cost the South over double what it had cost the North. It is difficult to assess either figure in dollars and cents, for dollars and cents

had such a changing value ; it is dangerous to be too precise. The cost here referred to is the amount of wealth drawn from the community at large into the governmental exchequer and then dispersed for the maintenance of war expenditures regardless of whether it was in the form of taxes, loans, or levy. It represents the total amount of property and service withdrawn from private use and turned to community effort — in both North and South to purposes economically unproductive, and in the South to effort which was unsuccessful. The only assurance that one can give as to this estimate is that it represents the minimum difference. The probability is that it was much higher, rising perhaps to proportions three times as great.

It is plain that so great a levy on an agricultural country drained into the common treasury practically everything that was movable. In the spring of 1865 the money which the Confederate soldiers possessed had value only as paper. The railroads had favorable balance sheets and had for four years paid large dividends, but those balances and their dividends now represented no value whatsoever ; practically they had served four years gratuitously. The books of the banks showed the usual sound management characteristic of the South, but most of their assets were the bonds of the Confederate government which was now dead with no responsible heirs. The stockings and dispatch boxes of individuals were bulging with promises to pay which could serve only for kindling.

The exceptions to this picture of economic anemia were individual and scant. One resource which seems to have been left untapped was the planters' plate. The use of such bullion in other wars, as when Oxford melted hers for King Charles, raises the question of why it played so small a part at this time. It must be remembered that the foreign purchases of the Confederacy were limited in amount by the blockade and that those which could be brought in were paid for in the so-much-desired cotton. Internally the amount of precious metals was not sufficient to buoy up the paper, and its only practical use would have been as metal for the battlefield, where it would have been of small weight in opposition to iron and steel. Southern novelists of the follow-

ing period, when it became absolutely necessary to find some money for their characters, generally resorted to an aunt who had before the war put her money in a Baltimore bank, or to the discovery of coal or phosphates on the plantation. Among the more lowly there were here and there in 1865 a few greenbacks secured through trade and put away under hearthstones or in hollow trees. Such secret hoards belonged rather to the category of romantic coincidence than to that of a sectional asset.

Naturally the Confederacy was not without property, the unexpended residuum of its collections. It possessed war material, vessels, some railroads it had built, and cotton which had become its property in exchange for bonds but which still remained on the plantation. It might have paid some such percentage on its debts as Austria or Germany paid on their currency after the World War, but the United States, while inheriting no responsibility for its debts, became by the fortunes of war the sole legal heir to all property of the Confederate government, and soon military and treasury officials were active in collecting it. Such recoveries, of course, stood in the national accounts as credits and so were of proportional advantage to the South as part of the nation; but by proportion the South got but a small amount, whereas it had given them all. This transfer of assets, however, did not leave the slate clean. The South could not be held to pay customs dues and excise taxes on transactions that had never taken place, but its states were liable for their share of the twenty million dollars of direct taxes levied in 1861 and for their pre-war bonds, while individuals were still held for the debts due Northern merchants in 1861, a sum estimated at three hundred million. These personal debts resemble those owed by Americans to British merchants at the outbreak of the Revolution which were recognized as payable under the treaty of 1783. Many of the latter had been paid ultimately, under the Jay treaty, by the United States government, but there was now no authority to take over this deferred burden, although some had actually been paid to the government of the Confederacy.

The wealth from which this drain had been made and was still to be made had been shattered by the operations of the war.



Those operations had been conducted almost entirely in the South and in the last year with a direct purpose of destruction. Except in particular areas, the destruction of houses was not great. Of cities, Columbia suffered the most. Richmond was badly burned after capture. The Shenandoah Valley had been swept fairly clean by Hunter ; and some areas, particularly in South Carolina, had been laid waste by Sherman. The auditor of Georgia estimated in 1865 that Sherman had destroyed fifty million dollars' worth of public buildings in his state. Atlanta had been burned out, but it was a new war town with little that was solid to lose. Factories were gutted all through Mississippi and Alabama, beginning with Grant's Vicksburg campaign and particularly during Wilson's raid in 1865, which aimed at sources of production. Personal property had been looted and ravaged. New Orleans was intact, and seaboard Virginia had suffered less than one might suppose, while North Carolina had been ravaged less than the other states. Some of this loss was of luxuries ; one might imagine Georgia subsisting without her court houses, those emblems of county pride. Houses, however, were necessities, and factories were essential factors in recovery. War destroyed perhaps half as much wealth as was voluntarily expended in the war.

Probably still greater was the loss by waste. Man made his imprint upon the Southern landscape largely by his mastery of woodworking, and wooden walls lose their value even without the torch. Four years of neglect had left porches and walls sagging, roofs leaking, and floors cracking. One of the greatest single items resulting from such necessary neglect was that of fences, not the wire fences later to become the bulwark of farm scenery and of military defence, but rail and pole fences, snaked loosely about the fields, separating crops and preventing cattle from wandering. Wherever armies, hostile or friendly, had passed, these fences had given heat and comfort, feeding the campfires about which memories came to cluster. Thus over wide areas the very heart of agriculture had been consumed beyond the possibility of prompt replacement, and some farms had to return to the older stage of frontier beginnings, in which the

farmer had no legal recourse against those who let their animals wander free. Agricultural implements were comparatively few ; yet, such as they were, they, with all the paraphernalia of life, had deteriorated ; and, still more vital, four years of merciless cultivation had in many places injured the soil ; and from the west began the long and steady encroachment of the boll weevil.

The cattle that ranged their broken bounds were pitifully few and poor. In 1860 the Southern states compared not unfavorably with those of the Northwest in cattle and hogs and horses. Their numbers were large, and fine breeds had been developed on many farms by gentlemen observant of the qualities of blend and training. Never since then have these states, except Texas, been able to make a good showing. Cattle and hogs were slaughtered for immediate use, regardless of replacement ; they fed both armies. Horses were conscripted for cavalry and artillery, and the lack of numbers and quality hampered both services before the war was over. Unlike the West Indian planter, the Southern planter had never become an absentee landlord. Without the constant supervision of the master, breeding was neglected, and injudicious mixing of strains resulted in deterioration of the general stock.

The established system of trade was disrupted by the destruction and deterioration of the railroads. Many of the Southern lines had been very lightly constructed, and even the better ones had in 1860 reached the point where new rails were required. Throughout the war, armies and raiding detachments had leaped at them as a bull dog at the throat of his victim. Destruction had become an art by the time Sherman penetrated Georgia. This destruction was, however, somewhat limited by the absence of dynamite. Masonry was seldom demolished, and grading suffered more from nature than from man. Rolling stock was often caught, but more frequently it fled before the advancing foe and sometimes earned good dividends, in Confederate currency, far from the tracks to which it belonged ; for Southern roads were more uniform in adhesion to their five-foot gauge than were those of the North. Rails had been taken up from branch lines to build ironclads and to patch the main lines. Hundreds of rails lay like giant corkscrews, twisted in flaming fence rails by Sherman's

merry men. The Confederate government had erected at Chattanooga a great plant for rail rejuvenation, but it had fallen into the hands of the Union forces when that city was captured and was now the property of the Union. Railroad presidents rode where they could, identified errant rails that had once constituted their roads, and sought their recovery. So desperate and futile an attempt illustrates the extent of the ruin that had fallen upon the circulatory system of the South, a system which before 1850 had not been vital to existence but which in ten years had been woven as an essential thread into the pattern of its life.

It followed as a consequence of these conditions that the more important circulatory system of credit lay prostrate. Banks were practically swept away, their assets of Confederate securities evaporating like dew before the sun. In Georgia the only banks to survive were the Georgia Railroad and Banking Company and the Central Railroad and Banking Company, whose primary interests were in railroads. Here and there in other states were survivors, but they were small, frightened, and unable to help; while any currency they might father was now subject to the ten per cent. national tax. Much business had been done by private bankers; and some of them, less hampered by regulation, were able to cash in on their good name, and continued subject to the conditions of the market. Credit in the South, however, had never been as dependent on local banks and bankers as in the North. From the colonial days it had been habitually in debt for about a year and a half for supplies brought in from outside the region. In general these debts were carried by the merchants who supplied the goods, with generous compensation added to the prices. In many cases the transaction was direct between some well-known planter and the foreign or New York house which supplied the goods. Now in 1865 these debts were due outside the section where they existed when the war began, and there was needed the usual supply of credit for which the coming crop must somehow pay, and such a crop could hardly be brought into existence without credit for capital replacements of wastage and destruction. It was, therefore, necessary to review the remaining assets on which to borrow. If they proved good the loss of

the ordinary channels for the transfer would prove less severe than in a region such as the North, where they had been, albeit weak, more highly developed.

The credit of the South had always rested, and would continue in the long run to rest, upon its ability to supply a certain proportion of its own needs and to produce enough things desired elsewhere to pay for the rest. It still had the advantage that its chief crop, cotton, was greatly desired. The question was how much it could continue to produce and whether the bulk of its production would continue to be less than in other regions where it could be grown. The land was still there with all it carried, including the working of many years. It was slightly damaged by neglect during the war, but it was related to modern conditions by mortgages. Much land, however, was of questionable title in 1865, as it was as yet uncertain how drastic would be the enforcement of the Confiscation Acts under which it lay for the moment forfeit. Still more questionable was the factor of labor. This was not primarily a question of loss of man power by war. Approximately two hundred thousand men would never work again; some must be supported in inactivity. The crucial problem, however, was that of the negro laboring population.

Already in 1865 ten per cent. of the negroes had fled to the secure North. What of the others? Nine tenths, workers with the skill of generations in their fingers, were in their accustomed places. From an abstract and community point of view, freedom had created no difference; land and labor and managerial ability were still conjoined. Even if the proceeds should be divided by a different ratio, the community income might in theory remain constant. It is quite obvious that such generalized considerations would mean little in practice. In changing the legal relationship of worker and employer, a revolution, psychological and financial, had been created which could not but produce immediate dislocation of practices and laws. Even should the new relationship prove economically advantageous in the long run, as undoubtedly the majority of the advocates of freedom believed, compensation to the community, whether to the former owners or in some other form, was demanded by economic justice from

the section that had thus interfered with the internal order of its neighbor.

From the point of view of the industrial leader the very fact of a certain period of diminished returns was an argument against the free extension of the needed credit. Loans were still further scared away by the uncertainty of the eventual result, a result which the almost unanimous and vociferous protests of the Southern borrowers asserted could not but be disastrous. When one adds that the current security for loans in the South had been slaves rather than acres, it is plain that the prospects of a free flow of credit into this area, sucked dry by four years of war, were meagre indeed. A community which had risen from the condition of primitive self-sufficiency was forced back to that condition while bandaging its wounds and reordering its life by an edict from without.

The North in the spring of 1865 was on the crest of an incoming tide. The triumphant advance of the Industrial Revolution, saved from the usual woes which it entailed by the safety valve of western lands, had been but slightly checked by the panic of 1857, which was over by 1860. Industrialization was one of the main purposes of the Republicans. As the South admired the free trade ideas of England and hoped to escape its industrialism, the North admired the results achieved by industrialization and sought to emulate them by reversing the process and adopting a protective tariff. The Morrill Act of 1861 was intended to encourage industrialization and, under the then existing circumstances, it was adapted to that purpose. As the war proceeded the tariff rates were increased, and when their effect might have been diminished by the internal excise taxes on production they were revised to met the discrepancy. Under such protection iron and textile manufactures and a vast category of lesser manufacturing industries, old and new, grew and came to supply a greater and greater proportion of such needs of the people. This development was inherent in the situation and would have gone on in peace ; its details, but not its general character, were modified by the war.

Much of this development had been predicated on the Southern market, on the market of past years, and on the expansion that

would come by the tariff-induced change from British to American goods. This slack, however, had been more than taken up by the demand of the army in the field. A million boys from the frugal American homes in country, town, and city, consumed far more as an army than they would have under the conditions of peace. Their needs were met however, but seldom have a people possessed so high a degree of adaptability as did the Americans of that generation. There was no such foresight as had fitted German factories in 1914 to turn without a quiver from supplying the wants of peace to those of war ; but native mechanical genius, applauded and rewarded, accomplished a result almost as astonishing, and after 1861 few of the army needs had to be supplied by foreign imports ; and Northern factories, widely distributed in their search for water power, were humming as never before.

The details of the adaptation are infinite. The South had counted on the ruin of New England when cotton ceased to feed its mills. The pinch was felt, but it was not the pinch of starvation. In a northern climate, people must be clothed ; and when cotton became scarce and high in price, wool came again into its own, and skill and capital were transferred from one mill to another. Ingenuity took a hand, and for some of the uses which wool could not supply, such as men's collars, paper was substituted. Yet the ingenuity of the industrial East was not more favorable than fate was kind to the Northwest. As we have seen, that region was even more perturbed at the impending dissolution of the Union than the manufacturing area. Its lesser fear was for the loss of sales to the South of a portion of its agricultural surplus. In practice most of this loss was made up by the appetites of the army, but more sensational was the shortage of crops in Europe, followed by a more docile acceptance by that continent that its teeming industrial life made dependence upon outside forces for food necessary. The result was a call which resulted in a stimulation rather than a diminution of the cash income of the Western farmer.

Fully as complete had been the adjustment to the loss of the Mississippi waterway, a danger which Douglas had pointed out to his constituents in 1861. Chief among the causes of the panic of

1857 had been the overbuilding of railroads, particularly of lines connecting the valley with the Atlantic. In 1861 these roads existed, but traffic was slow to find them. Percentages showed that railroads were beginning to take trade from the older, more picturesque water transports, but the slow development of rail traffic might well have dallied too long for the scant and doubtful financial resources of the railroads. But the solution to that problem came in the war and its consequences. Not only was there the transportation of the troops, but the numbers of civilians who travelled increased beyond the imagination of those who had built the railroads. In addition, there was the carrying of foodstuffs for export to the coast, and at least as important was the shifting of freight from southbound river boats to the rails, which had for some years existed but had not fully converted shippers. Necessity forced the use of the new method; the transferred trade raised the roads from incipient bankruptcy to prosperity. Proved convenience had converted the doubtful, and the railroads and New York were confident of maintaining in peace their wartime victory over the rivers and New Orleans.

This mounting prosperity was little checked by localized destruction. Enough of the products were shot away on the field of battle but, except for the border states, Northern territory escaped. To a considerable degree, even the weight of the war was left to the future. There was a decided intention of paying as it was fought. The very first session of Congress provided for more taxes than Secretary Chase called for. The whole taxation system aside from the tariff, however, had to be devised and set in operation, and delay was inevitable before the results began to flow into government coffers. In 1864 one fourth of the expense was paid by taxation, but that was the highest proportion, and over four fifths of the total for the four-year war was still in 1865 represented by various forms of government securities. The greatest economic loss was that sustained by the oceanic merchant marine. In this case, too, it was but to slight extent the wiping-out of property. Owners suffered but little; the highest estimate for physical destruction of property was but \$25,000,000. In addition, there may have been some unemployment of vessels,

though the navy helped out by purchase and hire. Chiefly, American ships were transferred to the British flag. Individuals did not suffer, but a necessary national service was put into foreign hands ; whether temporarily or permanently was in question. The action of Cornelius Vanderbilt in transferring his capital from ships to railroads was a persuasive answer that the stimulation and the enhanced profits of domestic development were weaning Americans from the more strenuous business of competing with foreigners on the high seas, to which the protective system could be extended only by direct grant of subsidies.

Genuine as was the growth, it was magnified and distorted, as if seen through the lenses of a new expanding currency. In 1860 there was no national currency except gold and silver ; business was transacted in the currency of banks chartered by the states. The total for the United States was, on January 1, 1861, \$202,000,000. In 1865 all currency was national, except for that of a few state banks that still maintained their own under a ten per cent. tax. This national currency was of three main varieties. Gold was required for the payment of customs duties and was paid out in government interest. Within the country it was little used as currency, except in California, being stored by the banks as a commodity to pay for imports. Business was transacted in greenbacks, issued under the act of February 25, 1862, and having no value except by use. They were legal tender for most purposes, except the payment of customs duties, and were the medium in which prices were customarily recorded. In addition were the notes of the new national banks, established under the act of February 25, 1863, which were secured by government bonds deposited with the proper authority by the banks of issue. So great was the demand for money caused by the ever-increasing number of trade transactions that these means were not sufficient, and not only was private scrip issued for local use by various businesses, but other forms of government securities were passed from hand to hand, such as the scrip in fractions of a dollar, known as shin-plasters, based on short-term treasury notes for small values.

Undoubted as was the currency shortage of 1860 and the enhanced demand of the next four years, this enormous supply rep-



resented an inflation. The natural result had been a rapid change in prices, which ascended throughout the period with great irregularity. As prices advanced, the usual economic process of adjustment went on. The first to profit were the manufacturers who began to see bulging balance sheets even in the first year of the war. Next came the farmers who got into their stride by the second year of the war with prices for their products that offset those of the goods they purchased. Last came labor which was so unorganized that it was not able to take advantage of the shortage in supply. During 1861 and 1862 there was much suffering, but in the next two years labor began to catch up, though never meeting in full the highest range of prices. In addition, the enormous fluctuations, due to the events of the war and particularly to the relations of the price-fixing greenbacks to gold, gave opportunities seldom equalled to the shrewd and speculative who made great fortunes over-night and sometimes lost them the week after. Thus the increasing wealth of the North was coming to be more unequally divided than ever before, and already in 1865 war profiteers and their wives were making it obvious, flaunting their power to spend in the faces of the old aristocracy as well as the new poor, and were ready to take the front of the stage in a "Gilded Age."

Of still greater significance for the future was the quick extension course in credit which the American people had received. Before the war Cyrus McCormick had begun to sell his reapers on what amounted to an installment plan. Farmers, finding themselves shorthanded because of the war, took quick advantage of this method of filling the gap without waiting until they had the money to pay. The desire to have and not to wait was catered to by those who were receiving more cash than they knew what to do with, and mortgages became more frequent and more lightly regarded than they had been. The opposite attack was organized by Jay Cooke, the Philadelphia banker, who became agent for the sale of many of the government loans. The usual market for such securities was now exhausted, and Cooke conceived the idea of extending it to every hamlet. His young men canvassed the countryside and patrolled the roads. Slips of paper secured

by the government of the United States could be had in exchange for greenbacks, and would produce perpetual and abundant harvests. For fifty dollars one could be assured of a cent a day in gold value for the life of the bond without toil or worry. In a land of high prices, increasing offerings were consumed with ever-increasing readiness. Already the habit of security buying was becoming accepted in classes of the population which had never before thought of putting savings elsewhere than into sterling, or at most a mortgage or a note secured by property which they could examine on their Sunday buggy ride. Should these investments turn out well, whither might not their credulity lead them in accepting paper purporting to represent values far beyond their watchful eyes? A very late but direct consequence was the purchase of German marks and other foreign currencies after the World War. The North was not only richer in 1865 than it had been in 1860, but credit was flowing on an unprecedented basis unpredicated by real values.

At the moment of peace there was general and justifiable confidence that development had not reached its limit. It was realized that the needs of the army would call for readjustment, but the men who composed it would return, marry, and increase the demand. The South could again be supplied; except to the chronically pessimistic, the omens were all favorable, and hands were still ready in their pockets to bring out the bills lying idle there. One would suppose that, with one portion of the country rich and opulent in credit and the other ravished but ready to blossom again if credit could be afforded, a basis for mutual co-operation existed. One writing in 1932 must take the leap from co-operation to reconciliation, but it is difficult to see why more did not take that leap in 1865. After the World War there existed a widespread and dominating consciousness that the prosperity of one community was dependent on that of all. It was the accepted dogma that situations admitted of determination by scientific study. Innumerable commissions of experts were appointed to study each phase of world conditions. On matters of finance, at least, their conclusions were generally accepted that those who had credit should supply it for the benefit of those who

lacked, whether friend or foe. Private initiative took the cue from public actions and over-stimulated the flow of credit. It is too early yet to assess the results, but the contrast in action between the divergent nations of 1920 and the sections of 1865 is sufficiently marked to refute those who claim that the world does not move, and to make pertinent an inquiry as to the causes of the difference and as to its actual extent.

Two major changes may be held chiefly responsible. In the first place, during the Civil War period the dominating characteristic of the ruling generation was an individualism that seemed never before to have been so firmly entrenched. To the Jeffersonian ideal of personal liberty, almost universal in the South and powerful even in the North, and the frontier self-confidence that still marked the West, had been added the philosophic individualism which had been applied to economics. The *laissez faire* theory of economic individualism, introduced by Adam Smith, had grown until it had, by the pens of John Stuart Mill and Cobden and the voice of John Bright, converted England and had entered the portals of New England which had been the citadel of community responsibility. It had not captured the citadel, but its spies had penetrated and it was working in many minds. Charles Sumner felt the responsibility of Boston for the existence of slavery in Charleston, but he stood for free trade. Puritan total abstiners were in violent conflict over moral prohibition and economic high licence. The growth of constructive social thought was checked, although the instinct to interfere remained vital. It was no longer possible intellectually to condemn the philosophies of the South and West where they fell in line with those of the greatest of British liberals. Duty to a brother was done when he was freed from temptation ; assistance in rebuilding his life, which should flourish in the sunlight of freedom, was not involved.

As there was no impulse to help, so there was no faith in the power of scientific knowledge. Science as power, and not observation, was yet to arrive in America. Eliot was not yet president of Harvard, nor was Johns Hopkins yet founded. Solutions were to be sought in the study and not in the field. Princi-

ples, and not statistics, were the universal solvents. Contemplation, and not consultation of experts, would tell one what to do. The study of reconstruction after the Civil War and such impressions as a scanning of what has happened since the World War, may well suggest the hope that if the world suffers another such catastrophe, the philosopher and the scientist may be joined in a few statesmen.

It is reasonable to suppose that such a statesman was at hand when the Civil War closed. The fact that Lincoln preferred gradual to immediate emancipation and that when the idea of gradual emancipation was given up, he announced that he would accept a state as reconstructed even if it provided for a separate and temporary classification of freed negroes, indicates that he was fully cognizant of the social problem involved. His insistence on education for the negroes, his suggestion for the reward of the deserving among them by the grant of suffrage, and his repeated references to a process by which the two races should grow together, indicate a sense of discretion and, still more significant, a policy of progress by evolution rather than by the immediate application of idealistic principles. His arguments for compensation, with which he was trying as late as 1865 to convince his cabinet, were always expressed in terms of their relative money cost to the cost of the continuance of war. It is impossible to conceive that he was not also thinking of the lives that would be saved. With Lincoln, silence is no sure proof that an idea was not present in his mind. It is at least conceivable that in preparing to pay the compensation money to the state rather than to individuals he was less influenced by the sanctity of property rights than by the apprehension of the South's need for credit to finance her recovery, and it is plain that whatever the intention such would have been the result. Such a program was the result of the impact of an original mind upon the facts presented to it. It was totally unaffected by and contrary to the prevailing intellectual concepts of his generation in the United States, and one must recognize that this lack of correlation raised a practical difficulty, as men with the sympathy and the training to carry it out might well have been lacking.

This difficulty is illustrated by the actual activity and the popular reputation of the one socially reconstructive agency that was created. In February 1865, under the War Department, there had been authorized by Congress the Bureau of Freedmen and Abandoned Lands. Lincoln had appointed to its head General Oliver Otis Howard, and its purpose was to ease the transition from slavery to freedom. At the moment of peace it was busy feeding the starving, whether white or black. Soon its agents were engaged in the more dangerous task of fixing wages and adjusting with untried hands the broken thread of intricate social problems. Its purpose was sound, much of its work was good, but turning in an individualistic age to work as paternalistic as could well be devised, it has left memories as black as those of the secret police of the worst despotisms.

It is to the credit of John A. Andrew, that firebrand among the anti-slavery political leaders, that when he laid down his generalship in 1865 he took up as a business man the organization of a credit company designed to bring the Northern surplus to the barren South. His death prevented, however, any important results, though a few Northern bankers, as the firm of Henry Clews, afforded some assistance. The one solid piece of work, and one that helped meet the most trying need, was that done by Stanton. During the war a very large part of the railroad mileage of the South had fallen into the hands of the Northern armies. Much of it was immediately conditioned for their use under the efficient direction of General McCallum. In July Stanton issued an order stating the economic unity of the nation, the vital character of the railroads as a means of transport, and the necessity of their being rapidly put into full commission. To this end he made two contributions. One was the employment of the army construction gangs to set them in order. The second was the turning over of the roads as soon as circumstances permitted on the acceptance of the costs incurred by the United States government, which should be carried as debits. Thus the governmental organization and credit were both used for rehabilitation, and transportation was restored much more rapidly than it could have been otherwise. These debts, amounting to about six million

dollars, were paid but irregularly, and a two-million-dollar residuum finally disappeared from the books during the first Cleveland administration.

General Thomas in 1865 established by military order an agrarian system in South Carolina, giving negroes patches of land with a three-year title, to be taken from those lands which had been abandoned by the Confederate owners about Beaufort. W. F. Allen, late professor at the University of Wisconsin, attempted to apply to the situation the agrarian experience of Rome under the Gracchi, hoping to find in land ownership the stabilizing influence that Lincoln hoped might come from the elements of contract. But such tentative and partial thoughts but emphasize the general failure to think of economic and social problems in terms of government action. To the overwhelming majority, educated and uneducated, the dominating problem was political. Security and economic order were at stake, but the contest was in terms of law, sovereignty, liberty, equality, freedom, and security.

The political differences which had existed between the two sections naturally had not been unaffected by the war. The chief change was intensification of sectional particularism. There is a curiously persistent influence which comes from independence, however transitory, which sometimes causes geographical areas, submerged by centuries of unity with others, to rise and once again assert themselves. Nationality in the United States had received a set-back, and sentiments which, when interests were most divergent, had clustered about the stars and stripes, were now disjoined. The situation, however, was not hopeless for the re-emergence of that common loyalty on which Seward had counted and in which Lincoln had faith.

The number of the truly recalcitrant in the South was surprisingly small. The Slidells remained with their daughters in France, and some, not impoverished, went to Paris as refugees. Judah P. Benjamin adapted his law to the English pattern and rose to be head of that distinguished bar. A few Confederate officers scattered to lands where military experience was valued. General Magruder brought a thousand or so veterans to the service of

Maximilian in Mexico. The total number of those who sought voluntary exile was actually small, probably well under two thousand individuals. There remained the question of loyalty among those who stayed at home, and for eighteen months there was justifiable doubt as to what would be the reaction if the United States and Napoleon III became involved over the affairs of his protégé, Maximilian. Many feared that Southern armies would join the forces of the Mexican Empire and that the battle of the last four years would be renewed on the plateaus of Mexico. Such apprehensions gave pertinence to Franco-American diplomacy and to the movements of the United States army. The question was one of those on which the Resolutions Committee of 1866 chiefly quizzed the Southerners whom it brought before it. The contingency did not arise, and so one cannot argue as to the import it might have had; but the evidence seems strong enough to warrant the conclusion that the Southern enlistment under the French flag would have been meagre.

The evidence is overwhelming that in the spring practically all Southerners accepted the Union. Despairing, they seemed for a moment to bow to fate. That mood, however, did not last long. They saw things within the Union yet to contend for and evinced genuine Unionism in their determination to participate and to fight step by step for their remaining rights.

First was the dyed-in-the-wool Unionism of the mountains which had withstood the shock of war and played its part in the fight. This element had grown in the conflict, drawing to itself allies in North Carolina, which in 1864 had cast forty thousand votes for William W. Holden as the peace-at-any-price candidate for governor, and many from the northern parts of Georgia and Alabama. With peace its strength was augmented by the latent elements of dissatisfaction — poor whites previously leaderless who were called to the strife against slavery by Helper's *Impending Crisis* but who were powerless under ante-bellum conditions. This element was now triumphant but was conscious of being a minority and sought to rule by the exclusion of the disloyal. Indifferent to the slave, they were particularly insistent upon the inferiority of the negro. At one with the punitive Radicals of

the North, they might break their alliance should the equalitarian Radicals gain the upper hand or should the Radicals of the political stripe decide to bet on negro voters.

The late governing class was divided within itself, but by delicate lines that might be wiped out in time of danger. Those who genuinely regretted independence in any tangible way proved fewer than one who lived in the South between February 1861 and April 1865 would have supposed. They resented defeat and thwarted will, but it was a feeling that expressed itself in sentiment rather than in action. There was some divergence between those who had urged secession and those who had opposed it and could now say, "I told you so." In the first elections after the war there was some tendency for the electorate to turn to the latter as the wiser. Their victories, however, were interspersed, as in the North, by those of war heroes, and Rhodes's theory that the Republicanism of the North could have built on the old Whigs of the South is fantastic. The secession contest had not been fought between Whigs and Democrats; Alexander Stephens and Robert Toombs had both been Whigs. In the summer of 1865 there was evident no difference in the popular reaction to Stephens and Jefferson Davis, who both lay languishing in Northern prisons. If Democrats had miscalculated in voting secession they had been shown to be right in their long contention that the Democrats of the North were safer allies than the Cotton Whigs. As for so many years before the war the ruling classes of the South had agreed as to what was to be fought for and had divided chiefly upon method, so now their differences were still as to the wisdom of leadership and the politicians best suited to the common end.

Nor should it be forgotten that, with the question of secession settled, practically all Southern whites had one common enthusiasm. All were constitutionalists. Even in the flush of independence public sentiment did not permit the theorist to substitute the English parliamentary system for that of the fathers. The Constitution, moreover, with secession out of the picture, meant in Knoxville what it meant in Milledgeville, in Jackson, in Richmond, and in Columbia. It was a precise and definite docu-



ment, consecrated to the principle that the least government is the best, a guardian of personal liberty and the rights of sovereign states. Elasticity was in constitutional law what laxity was in morals. With phraseology changing to suit the manners of the community, its spirit might everywhere be expressed as giving Americans the right to do what they pleased.

In admiration for the Constitution there was of course an element of unity between North and South but not so in the interpretation. While the South had grown toward unanimity in its strict view, the North had grown toward looseness. The war left Southern opinion where it had been ; it stretched the Northern conception, and the majority sustaining it, more drastically than they had in any previous decade of the national development. The difference remained that the North was still divided, and most Democrats held to a strict view. Many of them, however, as in Pennsylvania, had never found a protective tariff to violate the strict provisions ; and so, while the North was not a unit as was the South, its majority was practically effective. One gathers, too, that in 1865 there was a stronger animosity in the North than in the South. No one, of course, will admit war guilt, but for Southerners such an admission was not necessary in order to recognize that they had made a mistake. In the North the majority of the Democrats agreed with the Republicans that the war was brought on by the South, which was the attacking party, and resentment transcended party lines.

The conflict could not end with the results enumerated at the beginning of this chapter. Other consequences were inevitable. The methods of making the necessary decisions were in the spring of 1865 yet to be decided. It is evident that neither of the contending parties had been eliminated by the war and they still continued to grow in diversity. If amalgamation and reconciliation were the aims to be pursued, they must be sought with care.

## CHAPTER XIV

### THE PRESIDENT'S TREATY

ON THE night of April 13 Lincoln had a dream which was habitual to him and which had on various occasions presaged great events. The next evening with Mrs. Lincoln he attended the theatre to see the famous comedy, *Our American Cousin*. The guard who automatically attended him on such occasions took a seat where he could see both the play and the door of the presidential box. Soon there came a man who passed unobserved and entered the box. Immediately a shot rang out. The assailant leaped from the box to the stage. Falling as he touched the stage, he recovered, turned to the audience, and declaimed, "*Sic semper tyrannis*," and limped away. The president collapsed in his chair. He was removed to a house near by ; he never recovered consciousness, and died at about seven o'clock the next morning.

The morning papers carried the news of a similar attack upon Secretary Seward who, while in bed, had been wounded, though not mortally. Lincoln's assailant was John Wilkes Booth, an actor of repute. He escaped from the theatre and crossed the Potomac, but was pursued, cornered on a Virginia farm, and killed, though with sufficient disfigurement to render identification not quite certain, and the tale of his survival is a romantic legend that will not down. The combination of the attacks and the plans of escape proved the existence of a plot, and soon evidence pointed to the house of Mrs. Surratt in Washington. Minds, even of those ordinarily sane, ran on and conceived, behind the rather inconspicuous agents, principals of distinction. Jefferson Davis, who was captured at Irwinsville, Georgia, on May 10, while fleeing from the Union forces, was charged as chief instigator. A special military court was constituted to conduct the investigation, and the new president, Andrew Johnson, declared that the discovery of the guilty and their punishment was his first

duty. Popular indignation was fed on fantastic forgeries from which it is difficult today to winnow the substratum of facts. A plot had existed for several months. Its original purpose had been kidnapping. Because of his skill and a special emotional bitterness, Booth had been included ; he was assigned the chief place late in the proceedings. Like John Brown, he had changed his plan at the last moment to assassination, and it is questionable how many of his associates were aware of the change. This doubt involves especially Mrs. Surratt who was executed, and it cast a deep mental perturbation over Joseph Holt, the chief prosecutor, who was transformed from one of the social lights of Republican Washington to a recluse. Lacking proof, the idea of the participation of high Confederate authorities passed from men's minds. Its gradual disappearance as the months passed may be seen in the letters of Johnson. It soon lost value, even for campaign oratory, and within twelve months was supplanted in all but a few minds by a latent conviction of Davis's innocence.

This tragedy at the moment of victory and relaxation became a major factor in American history. Three definite and persistent streams of consequence flowed from it to affect the course of history. Lincoln, with his influence, with his skill in handling, oddly but effectively, great crises, with many of his plans still locked in his breast, was snatched away. Andrew Johnson, with the confidence of the public yet to win, with a personality known to but a narrow circle, with a job to do which he had never expected, was now in Lincoln's place and invested with his authority. Thirdly, too, the situation was changed. Joy had been turned to sorrow. Such searching of hearts as had been stimulated by Lincoln's second inaugural was superseded by a renewed conviction of the sinfulness not only of slavery but of its supporters. There was a sense of a sign from Heaven that the chosen people of the North must not be led to trafficking with the worshippers of idols. Much that was sweet was turned to gall ; a leavening spirit of joint responsibility was replaced by the acid of indignation. The people of the North had been swayed by Lincoln's words as the mob, who had sought to stone the adulterous woman, had been touched by the words of Jesus : "He that is without sin

among you, let him first cast a stone" ; but after the assassination they took a firmer grip on their stones and looked once more to the high priests and the law of "an eye for an eye."

No one can tell what chance there had been that a Christian nation could be led to follow the teachings of common sense and the Christian religion. In war there is unity to defeat the enemy, and sacrifice is willingly made because it is temporary. With peace each individual and faction believes that victory means the accomplishment of his particular purpose, and sacrifices are no longer offered because the settlements of peace seem, though deceptively, permanent. So, even forgetting hatred and suspicion, the politics during reconstruction are nearly always more bitter and divisions more rife than when the guns blaze. Statesmen — with rare exceptions such as Augustus, Washington, and Masaryk — fall in the tumult ; and even military heroes, as Wellington and Grant, are generally sent back from political leadership to bask in their first glory. There is little to indicate that the popular confidence in Lincoln extended to appreciation of his purposes in the new stage to which affairs had advanced.

The generals showed up rather well. Grant succinctly said : "Let us have peace." Lee advised his soldiers to become good citizens of the Union. Sherman's active mind conceived bases for reconstruction and he officiously set about realizing them by his military proclamation establishing an agrarian system for ex-slaves and by recognizing the existing state governments of the South in his terms to Johnston on April 18, 1865. The poets showed less well, but there has been no time in our history when they have come so near being the spokesmen of the people. Longfellow, Holmes, Whittier, Lowell, Bryant, and Emerson were linked together in the popular mind, and their portraits were framed together in innumerable school-houses. The public were proud of them and, if not always responsive, held their ideas to be ideals, impracticable, perhaps, but representing the ultimate attainment of the human spirit.

They and their lesser fellows spoke much before and during the war. Longfellow avoided politics but lamented the sinking of the *Cumberland* by the *Merrimac* :

"Strike your flag !" the rebel cries,  
 In his arrogant old plantation strain.  
 "Never !" our gallant Morris replies ;  
 "It is better to sink than to yield !"  
 And the whole air pealed  
 With the cheers of our men.

Ho ! brave hearts that went down in the seas !  
 Ye are at peace in the troubled stream ;  
 Ho ! brave land ! with hearts like these,  
 Thy flag, that is rent in twain,  
 Shall be one again,  
 And without a seam !

Holmes ever spoke of union. In May 1861, he wrote :

The star-flowering banner must never be furled,  
 For its blossoms of light are the hope of the world.

Whittier and Emerson were both elated at emancipation on January 1, 1863. Whittier in the most excellent outburst of the period wrote :

It is done !  
 Clang of bell and roar of gun.  
 Send the tidings up and down.  
 How the belfries rock and reel !  
 How the great guns, peal on peal,  
 Fling the joy from town to town !

Ring and swing,  
 Bells of joy ! On morning's wing  
 Send the song of praise abroad !  
 With a sound of broken chains  
 Tell the nations that He reigns,  
 Who alone is Lord and God !

Emerson took the occasion to attack the idea of compensated emancipation :

Pay ransoms to the owner  
 And fill the bag to the brim.  
 Who is the owner ? The slave is the owner,  
 And ever was. Pay him.

None of the poets responded to the second inaugural, and Lincoln's death failed to elicit a single evidence of his purpose in reconstruction or of the significance of his loss. Bryant wrote :

Thy task is done ; the bond are free ;  
We bear thee to an honored grave,  
Whose proudest monument shall be  
The broken fetters of the slave.

Lowell's was by far the busiest pen throughout the war, and his "Commemoration Ode," delivered at the Harvard Memorial services of July 21, 1865, is sometimes taken as the first recognition of Lincoln's greatness, though antedated by Stanton and by Sir John Tenniel in *Punch*. Lowell claimed to have been the first of the Boston Brahmin class to see a man in the rustic lawyer, but even his vision but vaguely pierced the thick clouds of misunderstanding. In February 1863 he had written: "More men ! More men ! It's these we fail. . . We wanted one that felt all chief." The Lincoln passage, not in the ode as first published, was introduced with apology and concluded with apprehension that his name for the moment counted for little :

Forgive me if from present things I turn  
To speak what in my heart will beat and burn

and

Great captains, with their guns and drums,  
Disturb our judgment for the hour.

Apprehending his patience and his kindness, Lowell certainly misinterpreted him in saying that he "never loved to lead," while the phrase "dreading praise, not blame" is, of course, nonsense. No hint of that hesitation to proclaim the divine will, which might have been so useful a lesson to its interpreter in New England, nor of the level eye which saw friends and foes as equals.

: Whitman, who on his way to or from his hospital service, seldom conversed with Lincoln, though he exchanged greetings with him almost daily, was innately more sympathetic. In 1865 he wrote :

Over the carnage rose prophetic a voice,  
Be not dishearten'd — Affection shall solve the problems  
of Freedom yet ;  
Those who love each other shall become invincible —  
They shall yet make Columbia victorious.

No danger shall balk Columbia's lovers ;  
If need be a thousand shall sternly immolate themselves for one.

One from Massachusetts shall be a Missourian's comrade ;  
From Maine and from hot Carolina, and another, an Oregonese,  
shall be friends triune,  
More precious to each other than all the riches of the earth.

Yet he thought of Lincoln's task as done :

From fearful trip the victor ship comes in with object won :  
Exult, O shores, and ring, O bells !  
But I, with mournful tread,  
Walk the deck my Captain lies,  
Fallen cold and dead.

Whitman, moreover, could not be compared in general fame and influence, or as representative of the forces governing public opinion, with the six great classicists.

Emerson, who had thought John Brown's gallows as glorious as the Cross, was not moved to poetry on the night of Lincoln's death, but wrote that possibly it had been an illustration of the divine providence that Lincoln had been removed at a time when a sterner virtue was required. The grave may have ended certain possibilities to Lincoln and the American people, but it is not for the historian to indulge in imaginative speculations. Certainly a task remained, and certainly it fell to sterner hands.

Howsoever difficult reconciliation might have been for Lincoln to achieve, it was more difficult for his successor. One can appreciate the new cutting edge of bitterness by reading the editorials of the Northern press, the correspondence of Northern men and women, and the reports of those accused of the assassination. On May 2, 1865, the president issued a proclamation :

"Whereas it appears from evidence in the Bureau of Military Justice that the atrocious murder of the late president, Abraham Lincoln, and the attempted assassination of the Hon. William H. Seward, Secretary of State, were incited, concerted, and procured by and between Jefferson Davis, late of Richmond, Va., and Jacob Thompson, Clement C. Clay, Beverly Tucker, George N. Sanders, William C. Cleary, and other rebels and traitors against the Government of the United States harbored in Canada." Rewards were offered for their apprehension. Nowhere, perhaps, is the bitterness so evident as in the letters that greeted the new president on his assumption of office and that continued to flow in by every mail for months. One cannot escape a feeling of depression when one realizes that so many of those asking for condign and far-reaching punishment came from what was at least the official conscience of the people, their clergy. Avoiding the extreme, one may take a representative of the best philosophic thought, the memorial sermon of Phillips Brooks. In this, in addition to a reasonably appreciative eulogy on Lincoln, he sought the cause of Lincoln's assassination. He found it in the fact that the institution of slavery was essentially grounded on cruelty and violence. A society thus based was certain to develop those characteristics in its members. Seeking its ends, it inevitably resorted to those qualities which were inherent in it. Assassination was, therefore, but a logical consequence, and the responsibility for Lincoln's death fell upon the South as a whole. Here, then, was an indictment of a whole section. Would the treaty, as that of Versailles in 1919, allocate the war guilt?

Andrew Johnson, to whom fell this task, was more vilified in his own day than any of our presidents. To the few low voices that came to his defence thirty years afterward have been lately added those of strident champions, and he bids fair to rival Burr as a bone of eternal controversy, and with much more marrow to justify the effort. Superficially there was much in his career to remind one of Lincoln: he was a poor white boy who by his own efforts achieved education and leadership. Conditions and traits, however, began an early differentiation. A poor boy amid a cul-



tured aristocracy became naturally more class-conscious than one in Illinois where all sorts and conditions of men were mixed as stones are mixed by the passing of a glacier. His trade of tailor could not but increase the sum of difference in a generation where children sang: "It takes nine tailors to make one man." Johnson's bearing as he rose through this society was fine. He not only often referred to his trade but he took pains to be perhaps our best-dressed president. The conditions, however, affected him and seared his soul. In politics he may be considered the first important self-conscious representative of the workingman, and a deep bitterness tinged his soul. During the trial for his impeachment he sent to the Library of Congress for certain books, took sheets of foolscap and lined them out, and listing on the left hand the members of the Court which impeached Charles I he recorded opposite each the bloody fate that overtook him. Can one escape the sense of his rolling under his tongue those grim fatalities as his mind saw in the place of Cromwell's Puritans, Sumner and Wade and Stevens? Hate, wherever directed, would play its part in the new régime.

His intellectual development was apparently slower than Lincoln's and more conventional. He early learned to read, but a notation of his own on a letter endorses the rumor that he selected his wife to teach him to write. His education, once begun, continued steadily and substantially. The books he drew from the Library of Congress would do credit to any man. In this acquired realm of thought and manners, however, he moved but slowly. In the White House he was an exceptionally dignified host, but he dared not let himself go. So, too, his set speeches were of high quality in both content and form, but they demanded time for preparation. This careful exterior was not a veneer. His blending of Jackson and Emerson in a definition of democracy shows a profundity which knit the whole man. Yet it remained true that the frontiersman was polished rather than cultured. When caught without preparation, his tongue reverted to the speech of his backwoods campaigns, and often the coat of civilization irked him. There was in him no Dr. Jekyll and Mr. Hyde complex of personalities. One has no right to say that the

man that developed was more really Johnson than the man he sought to be, but that there was a difference cannot be ignored if one would understand the fate of his administration.

An illustration of the danger in which he stood occurred at his inauguration as vice-president. He was palpably drunk. Now this was not on that solemn occasion when he took the oath as president on the morning of Lincoln's death ; had such been the case immediate impeachment would have been proper. Yet by the mouths of his enemies this was the story that was widely believed and is even to this day sometimes heard. But it has never been considered in accordance with American good form for even a vice-president to be under the influence of alcohol when swearing to perform his duties. Nor would anyone have more readily accepted this dictum than Johnson himself. His drunkenness was the accidental result of taking, on the advice of Secretary Welles, or possibly Elihu Washburne, a little whiskey to overcome a sickness. The point was that Johnson did drink, in good round fashion, and few were ready to believe that a little whiskey could upset him. The president wrote testimonials in favor of temperance ; the White House was never more decorous than during his occupancy, unless it was later under President Hayes, but Andrew Johnson occasionally escaped the presidency, as he occasionally was caught out of it when called upon for an unexpected speech. A spark existed from which the opposition raised a great smoke. Johnson was essentially masculine. He habited himself in the frock coat of his generation, and when he was caught without it the discrepancy was greater than had been usual with men of like rank.

It is of significance that, though he did not join it, he persisted all his life in a strong attachment to the Roman Catholic Church. That he did not join was probably due to the fact that politics were his religion ; what the Church held to attract him is significant of his politics. That attraction was doubtless due to the appeal it made to his strong emotional nature by its services and devotions and to his mind by the clear-cut rigidity of its dogmas. He liked things clear and found them so in that supreme product of the human intelligence, the United States' Constitution. He

saw that Constitution as Jackson did, a plain instrument of Union and a defence of liberty. Its clauses were not ambiguous but, as John Knox said of the Bible, so clear that men of good will could not fail to know in their hearts what they meant. It was the supreme rule of political conduct, it was the inspiration of the young tailor, the rising politician, the president of the United States.

It is my opinion that Johnson's policy must be interpreted on the basis of this fundamental and passionate conviction, that it is the key to the violence of his attitude toward traitors who sought to break the Union, and his subsequent defence of the constitutional right of those traitors against the assaults of those who seemed to him to be destroying the Constitution by pulling it apart. The fact that his policy was more lenient to the South than that of his opponents was rather an accident than a design, and with reference to the general trend of political action in the United States it can scarcely be denied that his victory would have limited the range of governmental action. This is well illustrated by the fact that, in spite of his consistent and sincere devotion to the cause of the workingman, his only important suggestion was the Homestead Act. This had been, under the leadership of Frederick W. Evans, the workingman's slogan in the early 'fifties, but already in the 'sixties it had been supplanted in the program of labor by ideas more direct, to the furtherance of which Johnson could not constitutionally contribute legislative assistance. In social impulse, however, his program was Jeffersonian individualism. The struggle, on which he now entered, involved not only the matter of terms with the South, but also whether the North in 1860 had won its way in the interpretation of the Constitution and the expansion of government functions, or whether the rigid pattern of non-intervention should bind the future.

Johnson's rigid constitutionalism was in harmony with his mental inflexibility. He almost immediately conceived a plan of reconstruction, and to it he adhered with both courage and obstinacy. He was, however, no fanatic. His purposes were adamant, his methods adaptable. Perhaps the most neglected

feature of his personality is that of the politician. That he had political ability in high measure is proved by his lifetime of success in the factional strife in Tennessee. That he realized and exaggerated this ability is obvious to any reader of his correspondence. In public, even in his cabinet, he stood like a rock, the dividing point of forces. Privately he was receptive of advice and chose his advisers well. Among the more important were the veterans, long removed from the public eye, Thomas Ewing, the Whig of Ohio, and F. P. Blair, the heir of Jackson.

Johnson's political efforts were now devoted to a major and a minor purpose. First in importance was the triumph of his "Plan," which alone would save the Constitution "as it was." In his fostering of this main end he resorted to all the usual methods of the reputable politician, seeking such allies as time and circumstance offered him and making one complete change of affiliation. His second object was one natural to any man who attains the presidency by succession and one which was fired by the jokes of those who opposed him and dubbed him "The Accident." Johnson considered himself, and justly, as presidential timber, and he longed for the vindication of not only his policy but of himself by re-election. From the first he realized that his most concrete obstacle was the glory of Grant. As Henry Clay feared Jackson, as civilian leaders generally recoil from the popular acclaim of military heroes, so Johnson feared and probably hated Grant, to whom at the moment the American people would offer any gift within their power. In the minor manœuvring of his administration the elimination of Grant was an ever-present motive.

The plan which Johnson adopted was probably his own. He conscientiously believed that it had been Lincoln's, to which indeed it had many resemblances. The first similarity was in strategy. Lincoln had decided not to call a special session of Congress, which meant that for seven months reconstruction would be in the hands of the president. When one recalls Lincoln's desire for speedy action it is plain that he intended to present Congress in December with an accomplished fact upon which to act. This idea Johnson prepared to carry out. The general

outlines of action were also the same, with differences in detail, some due to circumstances and some to basic differences of conception. One main difference, however, must be first considered. Lincoln in handling the Wade-Davis bill had stated his unwillingness to be tied to a particular course of procedure. With peace and action he would have been forced to definiteness, but scarcely to inflexibility. He had during the war adopted the double purpose of union and emancipation when he had first declared for union alone. He had adopted immediate emancipation after he had stated his belief that gradual emancipation was better. He had sanctioned substantial differences of method in different states. It is unjustifiable to label any specific plan of post-war reconstruction as Lincoln's, and it is reasonable to suppose that however plain was his sense of direction his methods would have continued to show flexibility. Johnson, once committed, was too strong and too weak to change, and he was more correct when referring to "My Plan" than when preparing, however honestly, to be the executor of Lincoln's plan.

In general, Johnson supported the thirteenth amendment to the Constitution, which had been submitted to the people by Congress. Naturally with this fell any project of compensated emancipation, nor could one expect so robust an individualist, surrounded by a generation of individualists, to suggest any other method of transferring to the South the capital so sorely needed. Whether Lincoln would have managed to find some other manner of binding the sections by mutual assistance is of course futile conjecture, but at least with his death the idea with which he had been toying was dead.

Johnson's plan was set forth in a general amnesty proclamation issued on May 29, 1865, and in a series of proclamations applying to particular states of which the first concerned North Carolina. The first was an offer of pardon "with restoration of all rights of property." It was conditioned, as had been Lincoln's, upon taking the oath of allegiance, and fourteen classes were exempted from its application. The only important difference from Lincoln's list of exceptions was the thirteenth: "All persons who have voluntarily participated in said rebellion and

the estimated value of whose taxable property is over \$20,000." The North Carolina proclamation appointed William W. Holden, who in 1864 had run for governor of that state on a "peace at any price" ticket, provisional governor. The use of that term, found in the Wade-Davis bill instead of Lincoln's "military governor," was probably a mere result of the fact of peace. The appointment would, of course, require the confirmation of the Senate, but the commission would serve at any rate until the end of the next session of that body. Holden's main function was to provide for the election of a convention of the state "for the purpose of altering or annulling the constitution thereof" and to assist in the formation of a "republican form of State government." In the meantime the secretaries of state, treasury, navy, and interior, as well as the district judge and the department of justice, were ordered to resume their functions in the state. The military commander of the department was ordered to co-operate, but the writ of *habeas corpus* was suspended only on October 12, 1865, and then only in Kentucky, which was not one of the states in question. The North Carolina plan was followed in the other states — W. L. Sharkey being appointed provisional governor of Mississippi, June 15; James Johnson of Georgia, June 17; Andrew J. Hamilton of Texas, June 17; Lewis E. Parsons of Alabama, June 21; Benjamin F. Perry of South Carolina, June 30; William Marvin of Florida, July 13. With Virginia, Louisiana, Tennessee, and Arkansas set apart by Lincoln, this completed the list and meant that reorganization was everywhere moving.

The addition of the twenty-thousand-dollar clause is without provable motive. It admits of two perfectly reasonable explanations. Nothing could be more typical of the leader of the poor whites of the South — the radical opponent of the planter aristocracy. As such it would hardly call for comment, were it not for the fact that Johnson was not long after this date working in harmony, if not in sympathy, with the leaders of that very aristocracy. To accept it, therefore, supposes a sudden and violent change on his part and the abandonment of a life-long attitude. Such a change might not be inconsistent with his emotional nature, but it would be inconsistent with his mental processes; in

general it was the intellectual rather than the emotional Johnson who sat in the presidential chair.

The second explanation involves no sudden conversion. If the clause was intended to give him the whip-hand in dealing individually with the Southern leaders, there was no inconsistency in their exclusion in May and the part-plan of pardons in July. Invitations to negotiations were held out in the proclamation itself, which stated : "That special application may be made to the President for pardon of any person belonging to the excepted classes, and such clemency will be liberally extended as may be consistent with the facts of the case and the peace and dignity of the United States." The power of control which this placed in the hands of the president was considerable, for while no one expected those who were legally guilty to be presented for a life penalty, there were many who urged that the writs for the condemnation of their property be pressed. It involved no change of heart for members of the excluded classes to rush to Washington. They thronged its streets and flocked eagerly to the offices of the pardon-mongers who claimed to possess means of access to the White House and boasted of the wires that they could pull. A brisk new trade grew up, child of the war lobbies and parent of those that were to come. It is not probable that the fees paid such attorneys were really of much value in securing the sought-for security to life and fortune, but it is possible that promises of good conduct and gratitude were a price ; and it would be denying human nature a place in history to suggest the Knoxville tailor did not enjoy the fawning of the élite of the South.

A more noteworthy difference between the Johnson plan and that of Lincoln is that the former contained fewer suggestions as to action to be taken. This was natural to the man and the type of his democracy. The free field thus presented to the members of the conventions renders more significant the one exception, which either meant nothing or was a suggestion on one, if not two, very vital points : "And said convention, when convened, or the legislature that may be thereafter assembled, will provide the qualifications of electors and the eligibility of persons to hold office . . . a power the people of the United States composing

the Federal Union have rightfully exercised from the origin of the Government to the present time." This might be taken as an incitement to his fellow mountaineer minorities to cement their power, as they were doing in his own Tennessee by the exclusion of former traitors. The plainest inference from this unnecessary statement, however, is that the president would oppose the settlement by Congress of state suffrage including negroes.

The question of negro suffrage was being driven in upon him when the proclamation was being written ; the cabinet was divided on the subject. Those whom Johnson saw most frequently when he assumed office were the Northern Radicals who did not refrain from telling him that it was by the hand of God that he had been placed in authority, and who, with some misgiving, tried hard to believe that he was one of them. It was particularly the humanitarian wing that sought him, and the slightest words of encouragement that they received were passed about with exultation. Understanding men, like Sumner and Chase, talked too much and listened too little ; and yet had they been Machiavellis they could not have brought about a different result. They and Johnson were listed under the same name of Radical, but they were radical about different things. At this stage Johnson was discreet, and perhaps mentally poised, on many subjects, but his main objectives were plain. He asserted his interest in negro suffrage, perhaps he might have ultimately declared in favor of it ; but the negro and his fate were as nothing to him compared with his fixed belief that suffrage was a state issue and his determination that the national government should not interfere with it.

This proclamation came as a disappointment to many of his recent confrères with whom he had talked of punishment for the wicked and of an open mind on humanitarian problems, without mention of how such purposes should be brought about. Some reverted at once to hostility ; some hoped, but not for long. By the middle of summer the rift between the Northern Radicals and the president was such as to appall the stoutest-hearted mender of schisms. Nor must it be thought that the



rending force was all from one side. The president did not like those busybodies who told him what to do ; he did not like to have the Chief Justice, Salmon P. Chase, set about running the government, and he was shocked in his innermost soul at the calm way in which they quietly hurdled the barrier of the Constitution. They spoke another language ; their inhibitions were those of a different social order ; words are wasted in elaborating on the fact that Andrew Johnson did not become a congenial co-operator with Charles Sumner and his kind. The only question was whether war could be prevented.

Inevitably, but slowly and with apparent reluctance, during the summer of 1865, Johnson gave heed to the traitors of the spring. In some ways the obstacles to such a rapprochement might seem overwhelming. In all his career Johnson had attacked the class they represented. The division had been enhanced by the war, and few enmities are so enduring as those of majority and minority in the same war-torn region. Many of Johnson's faithful home associates were putting their minds and all their efforts to such regulation of the suffrage as would give their minority the political control. One might think that he would have built a political future on the leadership of the dissatisfied Southern whites and that he would have sought to use his new authority to give them and himself the master hand. Here was a radicalism which he understood, inextricably interwoven with his past, to which in his speeches, during the winter of 1864 to 1865, he had given the supreme expression.

The position of the Southern aristocracy of Johnson's generation was materially different from those founded upon title and hereditary privilege. Based as it was on a single economic factor, the plantation, the strong and able rose naturally into it as they succeeded in life ; it absorbed most of those who in their youth had been its opponents. Mountain families who remained on their rocky farms continued to maintain their positions, economic and political ; but from many of them had pushed out the energetic and aspiring who were now luxuriating on estates not easily distinguishable from those of neighbor younger sons from Virginia or the Carolinas. When change of circumstance had

moderated differences of manners, there were no important divergencies of principle and few of concrete measures to cause qualms of conscience or justify charges of infidelity. All alike believed that government should keep its hands off the individual and keep the statute books as blank as social coexistence would allow.

Johnson himself had not become, as had Jackson, a plantation owner, but he had perforce risen in the social scale, and he had not been oblivious of its demands. His wife and her family were to the manor born, and the White House during his régime reflected, if a little stiffly, the atmosphere of Southern gentility. Nor can it be forgotten that the greater charm of that atmosphere as compared with the codes of Boston and Concord had been credited, and probably correctly, as a magnet drawing to the Southern side many a doubtful vote. As Lowell wrote in 1846 :

A coat that sits well here in old Massachusetts  
When it gets on to Washington somehow askew sits.

In the conferences of Johnson and the Southern leaders seeking their pardons, there was a sense of congeniality utterly missing when he met the champions of Northern altruism.

It is not necessary to assume in either Johnson or his petitioners any undue susceptibility to social influences. It was merely that the ease of the intercourse tended to dispel preconceived prejudices and opened wells of conversation that drew its inspiration from the same source of pure constitutionalism. It needed only tact enough to abstain from insistence on the right of secession, which all now agreed was a question purely theoretical, to reveal a unity of views that needed no waiver and that grew as it was defined. Except for that one point, once essential and now cauterized by the war, the fundamental beliefs of Jacksonian and Jeffersonian Democrats were alike and were not opposed to those of the Southern Whigs. Clashes there had been, and clashes there would be, on personality and class interests, but these could pause in the imminence of perverted and careless Northern forces that, having preserved the Union, would now sacrifice that Constitution which was dearer to many than the Union itself. It is

not surprising that ancient enmities disappeared before a lively faith and a very present danger. Gradually during the summer slouch hats and goatees became more frequent about the White House than "stove-pipes" and "burnsides."

Meanwhile a busy crew of physicians were taking the pulse of the defeated South. Newspapers sent correspondents, foreigners travelled, and Artemus Ward collected local color, while government agents of all kinds sent reports to their chiefs and their patrons. Officially the president ordered Grant to report on the loyalty of the South. The assignment was most distasteful, and Grant considered it an attempt to injure his position with the public. In 1865 he made a hasty and superficial three-weeks' tour, the observed of all observers, the recipient of carefully considered sentiments. Returning, he wrote a brief report affirming the acceptance of the results of the war and the absence of any disloyal intent. Opinion rather forced on Johnson approval of a more searching mission by Carl Schurz. With his usual careful methods Schurz studied conditions from Virginia to New Orleans. At times, as in Mississippi, he pretended to be the representative of the government rather than a mere reporter. His report was elaborately based upon facts but reveals that total failure to understand Southern psychology which one would expect from a German intellectual whose American associations were almost entirely with liberal Northern opinion. His point of interest, too, was almost purely in the status of the negro, and he missed entirely the economic aspects of the situation. The president had not wished to send him, had no confidence in his judgment, and paid no attention to his report. It proved to be a document of importance but did not appear to be such until Congress gave it a sympathetic audience. Johnson attended rather to the letters of his own informal agent, the young newspaper man Henry Watterson who was certainly the best qualified of the three for the task assigned him. No one of them, however, reported other than one would have expected from his previous associations and proclivities. Opinion rather than fact molded all recommendations; and was it otherwise with the more self-

conscious and expressive commissions that followed the World War ?

During the summer the telegraph wires were hot between Washington and the state conventions of the South as they met. From Washington they carried, if not the ideas of how constitutions should be reconstructed, at least the president's conception of how far the federal executive was justified in exercising influence. Certainly those messages supplement the emptiness of the simple instructions carried in the official proclamations. In the first place a condition-precedent was enforced that the process should not begin until one half of the number of voters taking part in the election of 1860 should be eligible by the taking of the Oath of Allegiance or the receipt of special pardon. This differed from Lincoln's requirement of only one tenth, but it may reasonably be considered as what Lincoln would have required with the establishment of peace. It must not be considered as an acceptance of the Wade-Davis principle, for those registered could vote. It will be remembered that under that plan the suffrage was confined to those taking the additional "Iron Clad" oath of non-participation in the "Rebellion." This again is what might have been expected of Lincoln, but it came as somewhat of a surprise from Johnson, and was for him perhaps the parting of the ways. His ruling, combined with the non-inclusion of the negroes, gave the potential control to the dominating whites where the Wade-Davis provision would have given it to Johnson's own mountaineer loyalist whites. In the suffrage arrangements there came the severest strain upon his relations with the Radicals of both North and South. It came at a period when Johnson's mind seems far from determined on alliance with the leaders of the Old South, and one feels inclined to attribute it to his best quality, his sincere devotion to the cause of genuine democracy and his confidence in the people.

When the conventions met he emphatically laid down certain conditions which he put forcefully forward. In the end, though not without debate, they were accepted. He was speaking powerfully as an executive, but gradually his language and his attitude

showed a different point of view, which in 1867 became firmly fixed. He came to speak as a friend and as a leader in the face of the enemy. Throughout his administration leaders of the South, and finally the rank and file of its voters, came to poise much of their actions upon these three conceptions of Johnson. He was the president, and as such he must be obeyed when he spoke within the law. In the summer of 1865 there was much doubt upon the second point. Was he a friend? Certainly he had not been. Could he be trusted? They knew him better than they had known Lincoln in 1860, but their knowledge was not reassuring. He was, however, a Southerner, and who was more likely to save them? If they rejected him, would it be to secure better, that is, lesser, terms, or worse? In 1865 his advice was generally followed, and in the end his good intentions were widely accepted. There still remained the question of the wisdom of his leadership. He had been in general an outsider, not fully approved by either party in his section. He was regarded as a powerful eccentric. Had position suddenly conferred wisdom? A Moses was needed, but was Johnson the man? Of the fact that he aspired to be that man, few in his own day could have been ignorant, and certainly his correspondence leads to such a conclusion. How far he failed, came to him as a surprise in the Democratic convention of 1868. Meanwhile his words gained authority from the peace reports of Northern radical opinion and carried the day. Were they the same or different? Were they more or less potent than would have been the words of Lincoln?

The three conditions upon which Johnson insisted were first a repudiation of secession, second a repudiation of state war debts, and third the adoption of the proposed Thirteenth Amendment. All these were part of Lincoln's program. The first involved no material controversy but did involve a violent clash of sentiment and an inextricable tangle of words. All prominent Southerners accepted the fact that secession as a program of action was as dead for the future as for the past. They were willing, and at the moment anxious, to repeal the enactments of the conventions which adopted the ordinance. Johnson held that secession had always been unconstitutional, that the ordinances had had no

legal effect, and that they should be repudiated. His demand may be regarded, in a way, as a demand for a confession of war guilt. Language probably was useful in such emergencies, particularly when both parties were desirous of agreement, and acceptable formulas were hammered out.

The question of war debts was really a simple one. It did not include, of course, those of the Confederate government, for they were repudiated with its failure. It did not include the previous debts of the states, which remained legal obligations largely held in Great Britain and the North. It was confined to such loans as the several states had negotiated for the purposes of the war, a sum relatively trivial. As constituting practically the sole recoverable item of Southern credit, however, they were important to those who held them. As issued by governments legally constituted, they stood on a somewhat different basis from the bonds of ordinary revolutionary movements which fall with defeat; and yet the international practice that the support of revolution must be regarded as a speculation rather than an investment seems to have been properly applied to them. One gathers from the discussion in the South that their repudiation was a bitter pill and would not have taken place without executive pressure. Division there was, however, and one senses that here would have been a conflict even if the South had been victorious. Johnson in standing for this elimination was doing something for his own element in the South, the poorer element which owned no bonds but would have had to help pay for them.

On the adoption of the Thirteenth Amendment there was no controversy in the seceded states, though much in the border states; it was the chief accepted stigma of the war.

The Southerners, who debated these questions and put their signatures to the terms which were dictated to them, were in general those who had been governing that generation. Some leaders, as Davis and Stephens, were still unpardoned and on trial, but enough remained to make the conventions representative. There was some proportional gain of those who had opposed secession in 1860, but there was no ostracism of those who had favored it. In the elections to the state governments under the amended con-

stitutions the same was true, with some tendency, as in the North, to honor war heroes. Their legislatures settled down to the many difficult tasks that confronted them. They sought earnestly to balance budgets and maintain credit and to evaluate the shrinkage in the basis of taxation. Generally a first act was a memorial asking for clemency to Jefferson Davis. A second was provision for the most obvious sufferers from the war, those maimed by loss of limb ; and agents soon boasted that they made better contracts for artificial replacements than did the United States government.

The most glaring need, however, was for the consideration of the freed negro, the man behind the hoe, the foundation stone of Southern agriculture and wealth. The situation was so immediate that each legislature acted on its own best judgment, and the laws of no two states show agreement. On the other hand, provisions were by no means new, for they were created by the emergency. All states had on their statute books elaborate regulations, based on long-continued historic development, for free negroes ; and these afforded to each a base for adjustment. In one respect all these codes in all the states possessed one American characteristic : they all provided a separate legal system for the negro. In North Carolina a line of demarcation was defined : those with no more than one thirty-second of negro blood were regarded as whites. In most states the absence of such a rule made a single drop of negro blood allocate the individual on the black side. Such codes were not confined to slave states ; the code of Illinois, for instance, was quite as complete in separation as any other. This difference in legal status rested on an ingrained and almost universal belief in the racial inferiority of the negro. It was justified in debate on the actual and incontrovertible fact that they were a separate class economically and socially ; and by consequence of their previous condition, unprepared, even if not unfit, for the full responsibilities of equality. On the whole the new order, as the old, was well-intentioned and, in taking account of the difference between negro and Anglo-Saxon psychology, it was better adapted to those to whom the laws applied than the common law.

On December 8, 1863, Lincoln had proclaimed that "any provision may be adopted by such state governments in relation to the freed people of such state which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent as a temporary arrangement with the present conditions as a laboring, landless, and homeless class, will not be objected to by the National Executive." It is plain that Lincoln would not have found the existence of negro codes of this kind a bar to recognition. He gave plain intimation, however, that they should be temporary, and that by providing for education a road to emergence should be perfected.

Now all these codes were permanent in form; and only in Georgia's code was education hinted at, and there without provisions. It seems highly improbable that Lincoln would have allowed the states to pass into the inviolability of their normal sovereignty without some pledge for the future. His fundamental democracy would have joined with his political acumen to offer to Congress a situation which held out a starting point for evolutionary development. One imagines another set of telegrams and series of conferences seeking concessions here and perhaps, as in his letter to Hahn, suggesting a limited suffrage as an incentive to effort. One can almost certainly predicate that he would have made the effort, though its effect on the Southern legislatures or his action in case of refusal must be mere surmise. Johnson, regarding the new governments as already sovereign, refrained from suggestion and accepted their decisions.

Meanwhile, the converted, if not repentant, states were exercising a third sovereign function, that of selecting their representatives to the national legislature. Representatives and senators flocked to Washington as the date of its opening, December 4, 1865, approached. All states except Florida and Texas, which were still in the process of rehabilitation, were represented. Faces familiar four years before restored some of its pre-war appearance. Some were a little seedy, all somewhat worn, but they were not despondent, and emotions were cloaked in the customary lazy ease of carriage. The Union seemed restored, but in the South the *habeas corpus* remained suspended until April 2, 1866.



Chief Justice Chase refused to open court in Richmond while such continued to be the case ; and the final confirmation, the acceptance of the Southern members, was yet to be given.

The constitutional position of President Johnson was clear. He had acted and must make his report to the legislature. He had carried out a program of reconstruction as far, barring the *habeas corpus*, as he was entitled to do, and was free to regulate his executive powers on that basis. It was not the function of Congress to act on those phases of the situation that belonged to the legislatures. His political position was far less clear. In the practice of American politics the vice-presidential candidate is usually elected to appease the minority defeated by the selection of the president. His name is expected in the election to keep his sympathizers true to the party, and frequently they constitute that critical margin that gives victory. For what do the minority sell their support ? Is it for the tinsel of recognition, or is it the gamble of a four-year's life expectancy ? What is the moral obligation of a vice-president succeeding to the chief magistracy ? Is it to be true to the party, without whose support he would not be in office, or to himself and the minority, without which the party would not have won ? Should party loyalty recognize the voice of the party majority as the voice of God ? When Tyler succeeded Harrison, when Fillmore succeeded Taylor, when Arthur succeeded Garfield, when Roosevelt succeeded McKinley and, in certain important respects, when Coolidge succeeded Harding, substantial changes of policy occurred. The party repudiated Tyler, dropped Arthur, forgot Fillmore, and rewarded Roosevelt and Coolidge. History could have shown Johnson his moral duty and his politically wisest course, but he could not correctly interpret history.

Johnson's case, moreover, was unique. He had not been chosen in 1864 by one of the great continuing political organizations, but by one which professed to be temporary and bipartisan. Lincoln and Johnson were put forward as Union candidates, supported by both parties for the saving of the Union, Lincoln representing the Republicans, Johnson the Democrats. No conversion had been asked for, and his value rested on his being a

Democrat. As Lincoln in the matter of compromise would have been a traitor to democratic ideals if he had not spoken as he was elected to speak, so Johnson in almost as great a degree would have been a traitor to the Democrats who voted Unionist in 1864 had he swung into the Republican camp. It was clear that Johnson was under no moral obligations to be other than he was, but there remained the question of expediency. In actual fact the bulk of the Union voters of 1864 had been Republicans, pretty well disciplined into party cohesion. The Democrats who joined them were not necessary to victory, were a mere fragment of the actual party that had won the election, and were an equally inconsiderable portion of the Democratic party itself. Those whom Johnson particularly represented were at the moment of little consequence to the Republican majority in Congress and were regarded as political traitors by the earlier and more congenial Democratic associates. There was little prestige for Johnson to add to the authority inherent in his position.

His policy was consistent, and it was consistently pursued. It was similar to that adopted after the World War by Lloyd George. He maintained his allegiance to the Union party that elected him and called on it for his support. He kept about him the cabinet that Lincoln had chosen and refrained from reapproaching earlier fellowships. It was plain that the left-wing Radicals who had been forced into support of Lincoln in 1864 were now, in the fall of 1865, no more favorable to Johnson than they had formerly been. It was uncertain how the middle section would stand, but a powerful weapon in Johnson's hand was the fact that the Thirteenth Amendment, abolishing slavery, could not be written into the Constitution until some of the seceded states had assented to it. With some the desire for prompt action on that great question might affect the wish for further conditions which would impose delay. With it the extreme Radicals might be forced into line once more by fear of losing their conservative right wing to the Democrats. It was a weakness of his position that Johnson's political program rested upon the argument that the state of the Union was still at a crisis demanding the submergence of ordinary partisan issues, whereas the success of

his plan would mean that the Union was restored and need be of no further concern. His political leadership was grounded upon the failure of his program. This ambiguity was for some time disguised by the delay and final failure of his projects, but the illogicality could not be concealed, and it ultimately caused a change in his strategy.

On December 4, 1865, he met Congress with a confident mien which was far from being deceptive. His confidence and such vanity as he possessed did not run to a refusal to accept aid where his position called for it, and he showed discretion in his seeking. More than most presidents he turned to his elders. He listened to the advice of Ewing and Blair; and when a commanding political document was required he called on the dean of American prose writers, the eulogist of American democracy, George Bancroft, resident of Washington and quietly powerful. The preparation of the message reflects equal credit on both men. The ideas were those of Johnson, and Bancroft expressed them as an historian. He did not distort or change the flavor. Rather he studied the speeches of Johnson and culled from them that best worth preserving, in many cases quoting whole paragraphs verbatim. The whole he clothed in a style a little better than that of his own works. The message was so good that opinion gave Seward credit for it, though the most cursory critic should have recognized that it was not in Seward's style. Bancroft kept the secret until his death, and it was only by subsequent examination of the manuscripts that its authorship was discovered.

The message opened with a statement of the constitutional theory upon which the war had been fought and of the consequent legal survival of both states and Union. It also included a statement on the practicality of strict construction: "The subjects that came unquestionably within its jurisdiction are so numerous that it must ever naturally refuse to be embarrassed by questions that lie beyond it." There followed a statement and a defence of Johnson's actions in connection with which he asked the co-operation of Congress only for the reopening of circuit courts in the Southern states. There followed suggestions for the action of Congress on various internal problems, and the re-

quest that Congress prevent monopolies and see that interstate commerce be kept free. Then came summaries of the reports of the departments, some calling for action, as appropriations for pensions, the improvement of navy yards, the payment of the debt, the reduction of currency, provisions that taxation fall upon the rich rather than the poor. The usual résumé of foreign relations included the failure of negotiations with Great Britain on the subject of the commerce-destroyers which she had harbored, but it recommended that no legislative action be as yet taken on it. The negotiations with France would be laid before Congress. The conclusion was a brief summary of the experiences of the United States, with attention to the increase in the size of its territory and population. In conclusion :

Who will not join with me in the prayer that the Invisible Hand which has led us through the clouds that gloomed around our path will so guide us onward to a perfect restoration of fraternal affection that we of this day may be able to transmit our great inheritance of State governments in all their rights, of the General Government in its whole constitutional vigor, to our posterity, and they to theirs through countless generations ?

## CHAPTER XV

### CIVIL WAR FINANCE \*

WE SHALL never know exactly how much the Civil War cost the people of the United States. In 1864 the conflict cost the Lincoln government one million dollars a day, and in 1865 it ran to two million dollars a day. Possibly the total cost equalled or exceeded fifteen billion dollars. Properly to estimate the costs one must take into consideration the loss to various owners of four million slaves, the destruction of property, misplaced or lost individual and collective earnings, loss of values in the economic crisis which resulted from so many changes and disruptions, loans and taxation, to say nothing of the desolated South of reconstruction days, the corruption in war and post-war governments, and the ill feeling which prevailed between the North and South for years after the war was ended.

Professor Channing was convinced that there was little difference between the management of the finances of the North and of the South. The Northern economic historians have, however, usually attributed the collapse of the Confederacy to its over-issues in bonds, paper money, and impressments. An examination of the records of the two governments reveals quite a similarity in methods of raising money for the conduct of the war.

Secretary Chase found the Federal treasury in a distressing condition when he assumed his duties on March 4, 1861. Howell Cobb had resigned as secretary of the treasury on December 10, 1860, leaving the revenues inadequate for a peace-time government, let alone for war. The total receipts of revenues for the fiscal year ending June 20, 1860, amounted to about \$81,000,000, leaving a treasury deficit of \$56,000,000. In the early months of 1861 — the latter days of the Buchanan administration — General John A. Dix had his hands tied and was humiliated with the sad

\* The editor and publishers believe that there is a need for the following supplementary chapters. It has been necessary to restate a few facts to make them clear.

experience of raising ten million dollars to meet outstanding treasury notes by offering more treasury notes on the basis of competitive bids. The public was awarded \$70,200 at 6 per cent., \$5000 at 7 per cent., \$24,500 at 8 per cent., \$355,000 at rates between 8 and 10 per cent., \$3,283,500 at 10 per cent. to 11 per cent., \$1,432,700 at 11 per cent., and \$4,840,000 at 12 per cent. At these high rates only \$7,020,000 of the \$10,000,000 offering were taken. This low state of the nation's credit was almost incredible. But so it was when the war began.

Secretary Chase had neither training nor great ability for the task of financing a war government torn by internal strife, but by 1864 his work was of such a character as to guarantee him a traditional reputation. He adopted the policy of meeting only the ordinary daily expenses of his government with money raised by taxation; necessary war expenses were met by five classes of funds: direct taxes, internal revenues, bonds, tariff, treasury notes, and paper currency. Funds obtained through the confiscation of Southern exports, captured or abandoned property, and property of rebel military or civil officers are not of sufficient importance to require serious recognition. On April 2, ten days before the firing upon Fort Sumter, Chase opened secret bids on his proposed loan of \$8,000,000 and found that only \$3,099,000 were bid at six per cent. or under. Other bids were justly declined, and the secretary thereafter resorted to the sale of treasury notes. He failed to grasp the leadership which could have been his in the formulation of a tax program when the people were willing to pay heavily for the preservation of the Union. Twelve times major loans were made at interest rates ranging from 5 to 7.3 per cent. By 1865 the national debt of the North had been increased by \$2,600,000,000, including non-interest-bearing notes and a few temporary loans.

Secretary Chase made a valuable contribution to government finance when he floated bonds with a fixed redemption period, such as the 5-20's or 10-40's. The perplexing variations in terms and conditions of loans, however, not only embarrassed the financiers and government then; but the bond issues, treasury notes, certificates of deposit, and other forms of indebtedness which

rapidly followed each other greatly perplex the student who now attempts to reach an understanding of Civil War finance in real values. For the sake of convenience, let us say that there were some four general classes of indebtedness used by the Union government: long-term bonds, short-term loans, non-interest-bearing notes, and temporary indebtedness. The first classification included 20-year 6's \* of July, August 1861; † 5-20 6's of June 1862; 17 6's of 1863; 10-40 5's of 1864; 5-20 6's of June 1864; and the indefinite pension fund bearing 3 per cent. The second form of indebtedness included treasury 6's of 1861, 60 days to 2 years; 7-30 7.3's of 1861 for 3 years; one-year 5's of 1863; two-year 5's of 1863; compound interest note 6's of three years; and 7-30 7.3's of 1864 and 1865 for three years. The non-interest-bearing notes were indefinite in length of loan and were old demand notes, fractional currency, and legal-tender notes. Temporary indebtednesses were temporary loans at 4, 5, and 6 per cent. interest, and certificates at 6 per cent. running one year. The sum of \$2,621,916,786 was borrowed during the course of the war. The secretary's loan policy may be summarized generally by pointing out his objectives, which were: a moderate interest, as wide distribution as possible, future controllability, and incidental utility. In the first objective he blundered in substituting 5's for 6's at an inopportune time; in the second he used Jay Cooke as a government broker with success; and in the third he was a successful pioneer.

It is easier for us to criticize the secretary now than it was for him to solve the problem of raising war money from 1861 to 1865. In the early summer of 1860 the national debt was \$64,000,000 and increasing monthly. By December 1861, receipts were far behind expenditures, and the government suffered a deficit of \$143,000,000. A lucrative income from the sale of national lands was decreased when the young men enlisted in the army and emi-

\* 5-20 6's, translated into plain English, mean that bonds bearing 6 per cent. interest may be called for redemption between five and twenty years after the date of issue.

† Chase asked Congress for \$240,000,000, April to July 1861, and was granted \$250,000,000, with the privilege of issuing \$50,000,000 of that sum in interest-bearing treasury notes.

grant labor was sought to man over-taxed industries. Eleven Southern states cut off sources of public revenue coming from the South. Hundreds of business men and bankers lacked confidence in the Lincoln administration, and an unsettled public mind was not conducive to the sale of bonds at reasonable rates of interest. As the autumn ended in 1861 a barrage of criticism was leveled at Cameron; Frémont was lately removed, and the banks had suspended specie payment, declaring that Chase was responsible for their predicament. On January 1, 1862, the banks had \$87,000,000 in specie and owed \$459,000,000. They could not stand the continuous drain of their cash, which drain resulted from the presentation of treasury notes for specie by depositors. Chase denied responsibility for the run on the banks, saying that it was caused by a loss of faith in a Union victory. In Europe, where opinion favored the Confederacy, the Rothschilds headed the bankers who refused to lend money to the North. There was an insufficient supply of specie in the North to do business, while large remittances to Europe had to be made at the time that hoarding was in progress. Until 1863 government bonds could be bought with greenbacks which steadily declined in value. Since Secretary Chase refused to sell new bonds under par, speculators refused to buy them in large quantities. After January 1863, the Lincoln government provided legislation legalizing the sale of bonds at the market.

When Chase should have been devoting his attention entirely to problems of finance, he was angling for the presidential nomination for 1864, or engaging the Seward faction in a political tug of war to test Seward's strength, or was supporting the radicals who hoped to scalp the Blairs. After the cabinet crisis in December 1862, he did some of his best work as treasurer. At that time the debt of the government was \$276,900,000, and of the 5-20 6's only \$23,750,000 of a \$500,000,000 loan had been sold, largely because the banks would not take them at the required par price. Chase was not successful in the sale of "governments" until he employed private agents to sell bonds. Jay Cooke of Philadelphia, banker and broker, won the confidence of the treasurer and the unofficial title of "The Financier of the Civil War" by his



honesty and his ability to exploit hitherto untapped reservoirs of funds for investment. He developed a great broker-organization which marketed \$400,000,000 of government bonds in 1862-1863, "the turning-point in war finance," and hundreds of millions during the war. He advertised bonds in weekly local newspapers, religious magazines, and daily papers, arguing that it was the duty of loyal citizens to invest their savings where they were safe, would draw interest, would help save the Union, and would preserve the value of Federal moneys. Sales devices and patriotism were blended. Old maids, widows, conservative Americans who had reason to fear banks, and speculators heard Cooke's plea. Cooke was in Chase's confidence from 1861 and floated government bonds here and among the German-speaking peoples.

Under such general conditions as have been described, Chase and Congress could be expected to practise opportunism. More than a year passed after the war opened before "the overwhelming material power of the North could be brought to bear upon the concentrated forces of the South." First, the administration passed the protective, peace-time Morrill Tariff, almost doubling duties of the preceding tariff and becoming effective April 11, 1861. Revenues from customs on imports increased despite the falling off of importations in consequence of war risks and disruptions in commerce. So successful was this experiment that the law was repeatedly amended to add other goods to the list of dutiables, finally including sugar, tea, and coffee. Hardly a session of Congress after the summer of 1861 failed to increase duties on imports. The act of 1864 became the foundation of our existing protective tariff system today, raising the tariff level from a pre-war level of 19 per cent. to 47 per cent. The object of raising revenues was strongly supplemented with the desire of the protectionist authors, Morrill and Stevens, to "put domestic producers in the same situation, so far as foreign competition was concerned, as if the internal taxes had not been raised." Revenues realized from this source were \$39,600,000 in 1861, \$49,100,000 in 1862, \$69,100,000 in 1863, and \$102,300,000 in 1864. The sudden rise after 1863 resulted from the rapid disappearance of

privateers and improvement in regular trade channels. In 1865 revenues dropped back to \$84,900,000 because of the drop in imports as a result of the sudden rise in tariff duties, but jumped to \$179,000,000 in 1866.

The upshot of the Civil War tariffs was to saddle upon the country a high protective system before the disposition to inquire critically into its possible results could assert itself. Legislators too often lost sight of the "line between public duty and private interests," anyway.

Other men than Stevens and Morrill supported higher tariffs to stimulate industries to the utmost, so that internal revenues might be levied freely to support the war. Money realized from tariffs alone was far from sufficient to pay and feed soldiers and sailors and buy supplies for marching armies. The policy of levying excise taxes was virtually completed before the event of the battle of Antietam. President Lincoln's first Congress had passed an act, August 5, 1861, providing for an income tax of 3 per cent. on incomes of \$800 or more, and fixed a direct per capita tax averaging about 22¢. Failing to take advantage of the popular clamor for an adequate taxation to support the Union, Congress and the executive branch of the administration applied neither of these taxes before late in 1862, and the income tax produced minor results before 1864. Exempted incomes were lowered and the rates were raised and graduated as the war progressed. A total of \$55,085,000 was collected up to and including the income tax of 1865.

According to a constitutional provision the "direct tax" law must be assessed on the states in quotas governed in size by population. When it was passed no distinction was made between states "in rebellion" and loyal states. Federal machinery was provided for levying and collecting taxes on real estate in states which neglected or refused to raise their quotas. The total revenue collected in this manner was about \$17,000,000; and of this sum, approximately \$2,300,000 was paid to the treasury by the states "in rebellion." In 1891 congressional legislation provided for the reimbursement of the Southern states for taxes collected under the direct tax law, and not since the Civil War has such a

tax been used. The loyal states spent over \$50,000,000 raising and equipping troops ; the national government later felt itself obligated to reimburse the states for this amount by congressional appropriations, about four fifths of the total amount spent in that manner being returned to the states by 1880.

By the act of July 1, 1862, internal revenue duties were revised. The series of taxes included a direct tax of \$20,000,000 on real estate ; specific taxes on iron, coal, leather, oil, paper, etc. ; an *ad valorem* tax on other manufactured goods ; and a gross-receipts tax on steamboat, railway, and express companies. Revenue stamps had to be attached to deeds, notes, cheques, mortgages, and other legal documents. About everything appeared to be included in this act, which required a space of thirty pages, or more than twenty thousand words in the statutes. The government applied the principle of spreading the duties over many objects instead of taxing a few extremely high. Manufacturers were assessed both on the finished products and at different stages in the process of manufacture. They merely added these taxes to the selling price of their wares and charged the whole to the consumers who in many instances paid the taxes ignorantly and without a groan. Taxes from this source amounted in 1862-1863 to little over \$100,000,000, but by 1865 one fifth of the government's revenue was raised by taxation. Advocates of this means of supporting the war had cause for rejoicing. One authority has declared : "It was the cap sheaf of Chase's administration of the Treasury." The total of internal taxes from 1861 to 1865 equalled \$1,200,000,000 ; customs duties reached \$910,000,000 for the period.

The strain on the treasury was so great that the Lincoln government resorted to the dangerous practice of printing money. Taxation such as the government was willing to risk could not meet the terrific demands on the treasury, which the following figures illustrate. In the four-year period, 1858-1861, ending June 30, the cost per capita of the War Department was 71¢ ; in the succeeding four years ending June 30, 1865, the War Department cost \$19.99 per capita. The cost for the year ending June 30, 1861, was \$23,001,531 ; June 30, 1862, in unweighted figures,

\$389,173,562 ; June 30, 1863, \$603,314,412 ; June 30, 1864, \$690,391,049, and June 30, 1865, \$1,030,690,400. The increase in the Navy Department was from 42¢ per capita to \$2.31 over the same comparative periods. Interest on the national debt increased from 9¢ per capita to \$1.25. The total of certain important specified expenditures of the national government at the North increased from \$2.46 per capita to \$25.01 ; and the national deficit, computed on a similar basis, increased over 3100 per cent.

A fourth source of revenue was obtained through the passage of the Legal Tender Act. The bill was bitterly attacked in the newspapers, and at first opposed by Chase who later under pressure yielded to necessity and gave it his lukewarm support. In 1870 he, as Chief Justice of the Supreme Court, declared the act unconstitutional. For the sake of the embarrassed treasury, E. G. Spaulding, of Buffalo, New York (banker-member of the committee of the House) claimed support for his bill, which was introduced into Congress on December 30, 1861, the same year in which specie payments were suspended by the banks and the government. The first issue of \$150,000,000 treasury notes \* ("greenbacks") was subsequently increased until \$431,000,000 of the \$450,000,000 authorized reached circulation. They were accepted in payment of public and private debts, but not for duties on imports or interest on debts owed the government. The advocates of the bill suspected that the notes would soon fall below par, and their expectations were surprisingly justified, for gold at a premium ranged from 2½ per cent. in 1862 to 20½ in July 1863, and 60 in January 1864. The value of greenbacks compared with gold served as an indicator of the state of the Union for almost twenty years. General Grant's repulse at Cold Harbour and Early's raid at Silver Spring, Maryland, in the summer of 1864, mark the darkest weeks in the Civil War. At that time one dollar in gold bought 2.9 dollars in greenbacks. It is estimated that paper money increased the cost of the war by \$600,000,000.

Social and economic effects resulting from the use of green-

\* An emission of \$60,000,000 treasury notes, July, August 1861, were retired by the treasury.

back currency were good and bad. It supplied the country with a uniform currency to substitute for beer checks, street-car tokens, stamps, and "store-money." Much against the wish of Postmaster-General Blair, but with the approval of Secretary Chase, Congress authorized the use of postage stamps on July 14, 1862. These sticky, flimsy, color-fading things proved to be a nuisance and were replaced with \$50,000,000 of notes better known as "shinplasters," ranging in face value from three to fifty cents (March 3, 1863). The increased volume of currency in circulation encouraged the spirit of speculation. Both government and people learned to spend lavishly and were hardened to high prices. Business and agriculture were overstimulated and the whole country suffered a collapse after the war. Depreciated currency resulted in excessive discounts on loans and purchases made through British financial institutions, thus raising the total cost of the war. After the withdrawal of some of the currency from circulation by Johnson's secretary of the treasury, a long period of falling prices, financial failures, a panic and a depression, the United States returned to specie payment on January 1, 1879. Moreover, during the war speculators took advantage of the Legal Tender Act. A "Gold Market" was established in New York in 1862 for the purpose of exchanging paper currency for gold. A mania for speculation seemed to have seized the public. Stimulated by the war psychology, cheap money, rising prices, an overdose of Western bank notes without security, and the speculators, women pawned their jewelry to gamble; and school-teachers and clergymen staked their small incomes on the market. The manipulations of speculators became scandalous in New York in 1864 before Chase exploded dreams of fictitious riches by selling the government's gold surplus.

The fifth means of raising money for the conduct of the war was had in the establishment of national banks legalized by the National Bank Act of 1863. Chase, as the former champion of state bankers, surprised them as early as December 1861 with his proposal to nationalize banks. He wanted the central government to control the currency in order to correct the evil of over-

issued state-bank notes, counterfeiting, and geographical values of bank notes. He immediately aroused the whole Democratic party, which opposed it almost to a man, not yet having forgotten the National Bank fight in the time of Andrew Jackson. Many of the old Jacksonians were Republicans in 1861 and now feared that Chase was endangering their revived Jeffersonian-Jacksonian principles. Probably no one else in Chase's own party had given the idea of sound currency more study, nor had anyone else so carefully studied the state banking systems. If his estimate in his report of 1861 is approximately correct, the state banks had afloat \$150,000,000 of their own paper money, for which they were not paying the people interest. They thus enjoyed a lucrative privilege which, if justly taxed, could help win the war. Chase intended to let them pay for the right of issuing notes by buying bonds for a reserve fund to guarantee the value of the notes.

The scheme of a national banking system was deliberately formulated. The proposal of the secretary of the treasury was studied by banker-congressmen on the House Ways and Means Committee and a proposed bill was considered by the financial institutions of the country before it was finally enacted into law on February 25, 1863. To force the state banks into the national system a two per cent. tax on the circulation of state bank notes was added to the existing three per cent. tax. Many state bankers raised vociferous opposition; but the conservative business men, who wanted a sound banking system, supported the government's act, and soon the results were gratifying. In December 1863, already 134 banks with a capital of \$16,081,000 had joined the new system; one year later there were 584, and by November 1865, 1647 with an aggregate capitalization of \$418,000,000. National bank notes rose in volume to \$276,000,000 by 1866 and with greenbacks and shinplasters constituted almost all of the circulating money in the North. The two per cent. tax on state bank notes increased to ten per cent. in 1866, and the refusal of Chicago and Eastern merchants to accept without discounting or sending them home for redemption caused them prac-

tically to disappear. The system was the work of Chase and the most enduring of all the salutary financial legislation passed during the Civil War.

A necessary market for government bonds was provided through the national banks. A uniform currency system was established, and rates of interest were somewhat controlled until the bonds of the government could be paid. Greenbacks were saved a humiliating deflation because of a provision that made them acceptable in payment for government bonds. "In 1864 an investor could do the equivalent of changing \$400 in gold for \$1000 in greenbacks, then exchange the latter for a \$1000 bond which would pay him \$60 interest a year in gold, or 15 per cent. on his investment. Since the notes were re-issuable, all of them but the last third, which were not convertible, formed an endless chain for the purchase of bonds." While the new system was much superior to the old state systems, still it did not prevent concentration of capital in a few places, thus producing boom cities and controlled money markets; nor did it provide for flexibility and mobility of credit which the post-war industrialized America needed. Actually it inverted elasticity, but it did rid the country of its multiplicity of state bank notes and did help the North to preserve, in outward appearance, the Union as it was.

Chase could swell his chest with pride after he successfully got the banks under way. He rated highly his services to his country, pursued a course of quiet underhanded criticism of his chief, announced that in principle no president should seek a second term, and allowed his friends to speak openly of him as a candidate for the presidency in 1864. His boom exploded with a puff when the notorious Pomeroy letter was published and Chase was reassured by Lincoln in a magnanimous letter that the president would consider first the value of Chase's services to the country as a secretary of the treasury. He hung on until June 29, 1864, when his last resignation was accepted. Just then the financial outlook of the administration was discouraging; the passage of the Gold Bill (June 17, 1864) may have embarrassed him; he was irritated over appointments in New York; and the unfortunate attack by Major-General Frank Blair in Congress on Chase's

character and conduct in office, without being severely rebuked by the president, angered Chase beyond measure.

Senator William Pitt Fessenden, of Maine, successor to Chase, was confronted with an embarrassing financial situation. Receipts for July 1, 1862, to July 1, 1863, from ordinary sources and loans were \$714,709,000, but at the end of the fiscal year the debt was \$1,098,793,000, of which more than half had accumulated since January 1, 1863. Chase had relied upon ordinary receipts and further loans to meet the estimated total expenditures of \$755,000,000 for the fiscal year, 1863-1864, but the purchase of bonds by the public practically ceased before the year closed, leaving \$126,663,000 of a \$200,000,000 authorized loan of 10-40 5's unsold. A successful flotation of short loans saved the treasury a humiliating experience in the election year of 1864 and, until late summer, a disappointing year from a military point of view. These short-term, legal-tender notes in denominations as low as ten dollars, bearing six per cent. interest and tax-exempt, popular with investors and bankers, who preferred these notes to greenbacks, forced their non-interest-bearing greenbacks into circulation. Fessenden found an inflated currency still expanding, soaring prices, a cash balance in the treasury, July 1, 1864, of \$18,842,000, and the estimated customs duties (\$70,271,000 for 1864-1865) insufficient to pay interest on the public debt for very long. Unpaid requisitions amounting to \$71,814,000, unpaid soldiers, and a recently-ordered increase in the army which would add \$750,000 to the \$2,250,000 daily cost of war were problems to dismay almost any financier, especially the conservative ex-chairman of the Committee on Finance of the Senate.

The new secretary attacked his problem courageously. Refusing to repeat Chase's unhappy experience with his five per cents., he called for a great national loan of \$200,000,000 \* of 1-3 7.3's, convertible in 5-20 6's if desired by the buyers, and employed Jay Cooke to float them. Even the "gallant soldiers" in the army bought \$20,000,000. Before the year 1864 ended, Fessenden had sold \$110,800,000 of 7-30's, and \$718,000,000 were sold in 1865. Easier sales resulted from Grant's and Sher-

\* June 30, 1864.



man's military victories, Lincoln's re-election, and the confidence in the ultimate success of the Union. The North could easily see that the Confederacy was cracking.

The financial problems which confronted Charles C. Memminger, Secretary of the Treasury of the Confederate States of America, and his advisers were far more difficult of solution than those which perplexed Chase; and Memminger, an able Charleston business man, was not a whit abler than his foe. Certainly the Confederate did a worse job of it. Fundamentally, the Confederacy had to change from a one-crop system to a diversified system of farming in order that the necessities of life might be produced at home instead of being imported. Cotton exports declined with the effectiveness of the Northern blockade. In 1860 the total sale of cotton exports reached \$202,741,000; in 1862 only \$4,000,000. Money for the purchase or manufacture of arms and war supplies belonging to the Federal government could be seized to equip the first Southern armies entering the field of war. How great a sum of money was saved the Davis government by privates' purchasing their own arms and clothing, riding their own horses, and private gifts to states and central governments can never be known. The amount was evidently large. Heavy expenses for labor met by cash payments in the North were generally eliminated in the South by loyal slave labor. Obsessed with the theory of state rights, without sufficient currency, with no navy to speak of, few iron-works for manufacturing munitions, a mere nucleus of an industrial system with its ready flow of money and wealth-creating power, a doubtful credit, a relatively small white population, the South, unable to break the blockade of its ports, needed a wizard to establish a sound money system which might both gain and retain the confidence of the public. A devotion to its class and section, unheard of elsewhere in America, did not keep many of its citizens and officials from the practice of profiteering and bribery.

The treasurer was assisted by assistant treasurers, auditors, and a registrar — the entire Department of the Treasury being organized similar to that of the Federal treasury and copied after the system which Alexander Hamilton had devised. At one time as

many as three hundred assistant treasurers were stationed at selected points for the purpose of collecting taxes, making disbursements, and selling bonds. In the beginning United States customs collectors who joined the Confederacy were stationed in ports at salaries and with powers the same as those enjoyed under the Federal government. The Department had a working force and offices which were taken from the Federal customs system in the South ; and it was empowered by the Confederate Constitution, if authorized by law, to coin money and regulate the value thereof, to borrow money on the public credit, and issue paper money as legal tender.

"In its extraordinary straits for money, the government of the Confederacy had resort to every expedient known to finance, even the most desperate." First, it seized at New Orleans on March 14, 1861, the bullion fund of \$389,267 in the Federal mint, and \$147,519 in customs duties in the same city, and confiscated about \$460,000 in other funds, a total of \$996,786 — a mere drop in the bucket toward paying for the war. Second, the Congress legalized a tax of eight cents on each hundred pounds of exported cotton, which in four years netted the insignificant sum of \$6000 in gold values. Third, the "fifteen million loan" was the first of several domestic and foreign loans. Fifteen million of 5-10 8's were authorized February 28, 1861, guaranteed by a sinking-fund provision, the interest payable semi-annually. The values of these bonds were only 6 to 7 per cent. below par in the early winter of 1865. Other loans brought in little specie, for the country was drained of it early by the purchase of military supplies abroad in competition with the better credit of the North. In May the treasurer estimated government expenditures for the year ending January 1, 1862, to be \$72,000,000 ; he already had a deficit of \$38,000,000, and to his worry and perplexity the expenditures mounted to \$165,000,000 at the end of the year. Letters of credit and bills of exchange, used to make European purchases, were drying up, partly because of the cotton embargo, partly because of the blockade. In August 1861 was instituted the "hundred million loan," the first of a series of "produce loans." The secretary of the treasury was authorized to issue 20-year 8's to be

sold for specie or exchanged for produce or the finished products of the factory. The purpose of the loan was clearly the conduct of the war. The produce loan was paralleled with an attempt to coerce England into recognizing the Confederacy by refusing the export of cotton except from controlled seaports of the Confederacy. The South rather welcomed the blockade of her ports, hoping that England would be forced to intervene to save her own textile industry from a crisis. As late as 1863 newspapers advised planters purposely to restrict the production of cotton to force the hand of England. A total of \$150,000,000 of produce loans offered to a hopeful people in 1861 brought to the aid of their distressed government 400,000 bales of cotton, quantities of sugar, rice, tobacco, wheat, and other produce, and \$1,000,000 in bank and treasury notes. A provision in the law permitted the substitution of treasury notes for some of the bonds which were given in exchange for the produce. By this means planters obtained notes which they used for currency. The government was unable to dispose of its cotton, though England suffered a cotton shortage and experienced the shut-down of the cotton mills. The British working people too strongly favored the North for the pro-Confederate English aristocracy to risk a recognition of the Confederacy and a lifting of the Northern blockade, the cordon of which was tightening as Secretary Welles improved the navy. As time went on, fewer of the crops "loaned" could be sold; the government had to make direct, forced purchases with its eight-per-cent. bonds, and at the same time compete with the states which supported their own quotas of troops with their paper money. Public credit was exhausted by the fall of 1862.\*

Fourth, it is seen that the Confederate treasurer, having no more courage than Chase to force the issue upon taxation, relied

\* A list of Confederate loans floated or merely authorized includes the following:

February 1861	\$15,000,000	1-10	8's, bonds
March 1861	\$1,000,000	1	3.65's, treasury notes
May 1861	\$50,000,000	1-20	8's, bonds, revoked later (\$20,000,000 of these might be 2 8's, treasury notes)
August 1861	\$100,000,000	1-20	8's, bonds
April 1862	\$165,000,000	10-30	8's, bonds

and \$50,000,000 treasury notes. Bonds never issued.

chiefly upon loans, a large part of which were treasury notes. He deserves less blame than Chase for less reliance on taxation, for the Southerners had traditionally opposed taxation except on land ; even the establishment of a bank or some unusual project had been financed through the sale of bonds in the North or in Europe. The Confederate constitution limited taxation on the few imports which it had to tax.\* By the end of 1861 over \$100,000,000 of treasury notes had been issued. The first issue of notes, authorized March 4, 1861, did not exceed \$1,000,000 in one-year non-legal-tenders, bearing an interest rate of 3.65. A few months later this issue was doubled. Under the act of May 1861, \$20,000,000 more, two-year non-interest-bearing notes, were issued soon to be followed in August by \$100,000,000 redeemable after the ratification of peace. Memminger's experiences were like those of other political financiers who must produce a circulating medium with little credit. He had begun with fundables and all too rapidly had run into fiat paper money. Many of the notes were in small denominations, but the need for small currency, after the country had been drained of its specie, caused a flood of institutional issues. States alone emitted over \$20,000,000 in shinplasters before the war was half ended. Fractional currency and money in any form was so much needed that Northern greenbacks sold at a premium. Counterfeiters found the Confederate paper money easy to imitate and reaped a harvest. Great quantities were counterfeited in the North and distributed by soldiers, notes coming even from wartime prisons at Richmond. Government paper-money mills were operated at such speed as to require the employment of extra men to sign the bills. Bonds and treasury notes soon depreciated. In September 1863, Congress placed no limit on the amount of treasury notes to be issued. Prices rose with the flow and the expectation of more and more loans, until the mad circle ended in inflation which did much to help defeat the Confederacy.

An attempt by the government to check inflation was too late in March 1863, but a second one was tried in February 1864. The first effort was a refunding act providing for the compulsory

\* A tariff of 12½ per cent. was proposed in May 1861.

conversion of non-interest-bearing notes issued before December 1, 1862, passed in the forlorn hope that the dangerous quantity of notes might be reduced with a bond issue up to \$200,000,000, but the government was doomed to defeat by permitting the hard-pressed Memminger to issue monthly up to \$50,000,000 in treasury notes. The second attempt to restore order in the Confederate monetary system proposed a progressive tax on notes which were classified according to denominations and degree of demoralization. The treasury force was extended by one hundred new depositories scattered at the central points throughout the Confederacy, quartermasters acting as depositaries in the army. These fruitless efforts to refund, and to destroy the recovered notes, brought a storm of protest from the people. Merchants demanded of their customers the notes plus taxes, thus bringing home to every buyer the meaning of repudiation. "The act has shaken the confidence in the justice and competence of Congress," cried Governor Brown of Georgia. The discredited Memminger was replaced by the less able G. A. Trenholm, of Charleston, full of proposals, among which was his multiple standard of value based on cotton, corn, and wheat instead of "variable gold." He could not bring stability out of the financial wreckage. The pledge of 1864 not to issue more notes was broken in March 1865 with another act, passed over President Davis's veto, authorizing \$80,000,000 to pay the soldiers. Over \$1,000,000,000 of worthless paper notes were outstanding when Johnston surrendered. Only Texas was able to return to a specie basis before the war closed; the rest of the Confederacy found its money system so confused that many areas resorted to barter.

Fifth, other forms of taxation than those levied indirectly through loans were used. A .5 per cent. direct tax was laid on nearly all property after August 19, 1861. Through it about \$18,000,000 was collected in paper currency in less than three years. The Loan Act provided for the taxation of the following properties: "real estate of all kinds; slaves; merchandise; bank stock; railroad and other corporation stock; money at interest, or invested by individuals in the purchase of bills, notes, and other

securities for money, except bonds of the Confederate States ; cattle, horses and mules ; gold watches ; gold and silver plate, pianos and pleasure carriages ; provided that taxable property enumerated of any head of a family is of a value not less than \$500." A fatal weakness in the act was a provision that allowed a state to receive a 10 per cent. discount on payment of the total tax on its citizens at any time before April 1, 1862, thus encouraging the several states to enter the loan market in competition with the Confederate treasury. A more drastic tax law was enacted in April 1863 upon the advice and insistence of Memminger and the press. It provided for an 8 per cent. property tax on liquors, wines, tobacco, salt, cotton, wool, molasses, sugar, money and currency on deposit or in hand, and on all naval stores ; a licence tax on bankers, peddlers, photographers, jewelers, confectioners, retail dealers, auctioneers, and others, plus a gross receipts tax on many businesses ; a tax on salaries, earnings, and other sources of income ; a tax of 10 per cent. on profits derived from the sale of cotton cloth, iron, shoes, and food products ; and, finally, the tithing tax, or tax in kind, of one tenth on farm products for 1863, which was increased to one fourth in April 1865. Slaves escaped direct taxation. The total collections from all of these sources of labeled taxes, according to the records available, amounted, approximately, to \$122,494,539.

The effects of the tax in kind are hard to appraise. It at once aroused the hostility of the Richmond *Whig* and later the *Examiner* and the *Mercury*. The first stoutly maintained that prices of farm products were lowered as a result of it. Corn did drop from \$12 and \$10 a bushel to \$4.20 and flour from \$45 a barrel to \$25.

More bitter opposition in 1864 greeted the re-enactment of the law of 1863 with additional levies, an additional 10 per cent. tax on profits derived from any business, and excess profits tax of 25 per cent. on profits of over 25 per cent. All rates in this act were raised by one fifth in June 1864 by the specific "soldiers' fund" tax. While the *Mercury* and stubborn farmers deeply resented the tax in kind and declared it responsible for the fall in

prices, the student of Civil War finance should remember that the lower prices also followed the passage of funding acts purposed to contract the currency (March 1863, 1864).

Southern farmers contended that they were ruined by prices fixed by the impressment commissioners. Confused with bitter opposition to the government was the suspension of the privilege of the writ of *habeas corpus*. The *Mercury* and other presses were joined by men of the stamp of Robert Toombs who, in his defence of the farmers, said: "I have heard it said that we should not sacrifice liberty to independence. . . The two are inseparable. . . If we lose our liberty we shall lose our independence. . . I would rather see the whole country the cemetery of freedom than the habitation of slaves." Worthy men railed at the Davis government's "usurpation." Protests poured into Richmond. Farmers wailed, with some reason, that the tax in kind made the struggle "a rich man's war and a poor man's fight." Be it remembered, however, that the tax-gatherer was a new person to the poor folk in the South when he came as the malevolent war creature demanding the tenth sheaf. So serious was the opposition to the farmer tax, the denounced "unconstitutional, anti-republican," "monarchical" tax, that, under the leadership of men like W. W. Holden, the voters swept into office anti-Davis men in North Carolina and Georgia in the crucial congressional elections of 1863. Riots, indignation meetings, a terrorized countryside in North Carolina, and a belated understanding of the significance of the losses at Gettysburg and Vicksburg did not make easier the task of raising money to finance a costly war against a comparatively prosperous North. Many Confederates became increasingly interested in peace conferences. Finding itself in a desperate situation in March 1865, Congress passed its last and most extreme tax measure. The tax in kind and taxes on salaries and incomes were retained, a five per cent. tax was levied on all credits except Confederate and state bonds, all property was taxed at eight per cent. based on the 1860 valuation, and several other high rates were levied.

The sixth important plan to raise revenue by using cotton as security for foreign loans brought no greater returns than some

of the other plans. In 1863 Mason's hopes for a British loan faded. Among other deterrents many British investors still held repudiated bonds of Southern states. Robert J. Walker arrived in London in 1863, the representative of Secretary Chase, to convince the English people that Southern bonds were a precarious investment and that Northern bonds were safe. He wrote letters to the *London Times* and, as a pamphleteer, did an undetermined amount of damage to the Confederate cause. He no doubt convinced hundreds of English investors that President Davis, as an advocate of repudiation in the Mississippi Union Bank state bonds in 1841 to 1843 and of the Arkansas Smithsonian Institute bonds, would, if the South won, repeat his performance after the Civil War. He circularized England and Europe with a pamphlet on the abundant resources of the North and its financial stability, sold \$250,000,000 of Northern bonds to England, and drove the American minister at London to distraction with his egotism and interference with affairs in general. But Gettysburg, Vicksburg, the Emancipation Proclamation, and the galaxy of Northern private ministers had their influence against the flotation of Southern bonds. Slidell had better success in Paris where he won over the great banker Émile Erlanger, who had the ear of Napoleon III. Napoleon needed glory, wanted to interfere in American affairs, and sympathized with the Confederacy. Erlanger proposed to lend the Confederacy \$15,000,000, secured by cotton at six cents a pound (then selling in England for nearly two shillings), the cotton to be delivered after peace or by running the blockade. The Confederacy issued \$15,000,000 in bonds at 7 per cent. *Erlanger et Cie* were to pay 77 per cent. of the face value of the bonds, keep all profits plus a 5 per cent. commission, and turn over to the Confederacy its share in credit as the bonds were sold. Investors rushed to buy them in the markets of Europe, making a first payment, but as bond values fell, they proposed to forfeit their first installments. Mason attempted to bull the market by buying back large amounts of "Erlanger bonds," spending some \$6,000,000 with little effect upon the market. More bonds were bought during the years 1863 and 1864, but this foreign loan was far from the desired success. In



the end European investors lost approximately \$9,750,000, the Confederacy received about \$6,550,000 credit and contracted to spend \$5,000,000 for cruisers and rams which were never delivered. Memminger declined a second proposal of *Erlanger et Cie*, probably because the first had yielded only 50 per cent. on its dollar value. Meagre funds were secured abroad during the remaining months of the war by running the blockade with swift ships loaded with cotton, but King Cotton as a producer of revenue sufficient to win the war was a distinct failure.

A seventh means attempted in raising funds was tried in the beginning when the Confederacy sequestered debts owed to the North and ordered their payment to the treasury. In retaliation the Federal government ordered on August 6 the confiscation of Southern property in the North which might be used to the advantage of the Confederacy. The Southern Congress retaliated on August 30 by ordering the seizure of alien enemy property in the South, excepting properties in the border states. Smaller returns than were hoped for trickled into government coffers as a result of confiscations. Southern planters preferred debts to Northern creditors to payments of any kind at home. Some Southern citizens who were honest or otherwise motivated bought bonds and sent them North in payment of debts. Several Southern states passed stay laws which suspended judgment in suits for debts until the war closed. Bankers of the South kept \$26,000,000 in gold coin of the old Union, protecting it by suspending specie payments. Merchants of New Orleans met their honest obligations to Northern merchants. How much indirect financial aid there was through illegal trade between citizens of opposing sides cannot be guessed.\*

On the side of the North sutlers profited from the cravings of soldiers. Extravagance marked the activities of government

\* The total receipts of the government from various sources during the Civil War, according to Professor E. Q. Hawk's figures in his *Economic History of the South*, p. 414, were severally as follows: taxes, \$122,494,539; sequestration, \$6,401,990; customs, \$3,401,091; bonds, \$546,171,732; notes, \$1,359,973,543; bank loans, \$12,353,344; call certificates, \$144,346,556; patent funds, \$51,671; repayments, \$91,395,875; tax on notes, \$14,440,567; and miscellaneous, \$10,278,868, reaching a grand total of \$2,311,309,776.

and people. "No army before had been so lavishly supplied with food, clothing, and equipment as were the Union soldiers after 1861." On long marches or before approaching battles many soldiers discarded their unnecessary impedimenta, which were gladly picked up by Southern soldiers. Some manufacturers of woolen garments connived at profits with Federal officials and won the title of "shoddy aristocrats." In the South the government contracted with mill owners for equipment on a cost-plus basis, with the understanding that profits were not to exceed 75 per cent. Even on that basis mill owners sought to escape the sale of goods to the government. Many farmers hid their stocks of produce by whatever means possible. From necessity of war, conscription acts were used as a club over refractory manufacturers. Poor control was had over railway transportation as compared with the marked success of McCallum and Haupt in the North. In the South worn-out rolling stock could not be replaced, rails from unimportant lines had to be used for repairing tracks on main roads, in 1864 cars broke down after five-hundred-mile runs, and co-ordination and through traffic was not had because of a hesitant government, whose ideal was non-interference in private industry. What meagre financing was obtainable could have been made much more effective if the theory of state rights had received lukewarm adherence from the beginning. With a depreciated currency and soaring prices and credit gone, abundant crops in 1864 could not be moved over dilapidated railroads to the almost-starving, ragged armies. A prevailing hopelessness in 1864 could not be dispelled by a bankrupt government, whose currency system was broken down, and her common people forced to substitute hedge thorns for pins, rye for coffee, corn pone for wheat bread, sassafras roots or raspberry leaves for tea, wooden for leather shoe soles, and persimmon beer for wine, and at the same time pay five hundred dollars for a ten-dollar dress, and possibly three hundred dollars for a homespun cloth suit. A barrel of flour cost one thousand dollars in January 1865. It is little wonder that states like Sherman-ridden Georgia and independent-spirited North Carolina resented the drastic tax laws of 1864 and 1865.

The official national Confederate debt, according to the last report of the treasury on October 1, 1864, was \$1,687,310,298. If to this amount is added an equal increase of that of the six months before October 1, the final total is \$2,345,297,823.\* Probably not less than \$1,250,000,000 of this represented notes of different kinds. The figures on the Northern debit pages stood at \$3,289,000,000. Add pensions and interest and the still-increasing amount must have been near \$10,000,000,000 in 1917, loss of lives and destruction of property (1861-1865) not included.

Statistical costs are usually recorded figures based on depreciating currencies or they fail to consider rising prices. The Confederate dollar, fallen to five cents in gold value in December 1863, indicates the necessity of weighted computations for an accurate picture of war finances. Absolute historical accuracy would require a daily conversion of the expenditures of the treasuries of both sides, entailing a burdensome task even if the materials were available.

Dr. James L. Sellers used a plan of conversion of the Confederate debt by taking each semi-annual report of the treasurer and reducing it to its gold equivalent, and using the sum of these reductions as the gold value of the Confederate expenditure. He used the average value of currency for each six-months' period in making his computations. For instance, by this method the average monthly valuations of gold in Confederate currency were: April 1863, \$4.15; May, \$5.50; June, \$7; July, \$9; August, \$12; September, \$12. Through addition and division by six of the sum of these figures he obtained an average value of \$8.30 Confederate currency for the period. Treasury figures were divided by 8.3 to find their gold equivalent. It is not maintained that this method produced complete accuracy, but it is a decided improvement over the old method of computation.

If from the total expenditures to October 1864, are taken something over \$500,000,000, representing payments on the public debt, the real expenditure for the Confederacy is found to be

\* Professor Hawk, *op. cit.*, lists the war expenditures of the Confederate government as follows: War Department, \$1,356,784,244; navy, \$93,045,954; civil, \$46,387,287; and debt service, \$603,591,222; a total of \$2,099,808,707.

\$1,532,728,607 in currency. The gold equivalent of that amount reduces to \$509,532,700. Add to this figure, first, the estimated cost, in gold equivalent, for the last six months of the war (for which there is no record left by the treasurer) after deducting payments on the public debt; then add the values of tax in kind, unpaid requisitions, state expenditures of \$40,000,000 in gold equivalents, and the grand total will amount to \$572,232,700. Of all the expenditures 90 per cent. was accredited to the War Department and 6 per cent. to the Navy Department. The major items of expense, according to the reports of the Department of War, were for the payment of soldiers, supplies and ordnance, and transportation. The war expenditures in positive war effort thus figured were 16.5 per cent. of the true wealth carefully estimated at \$3,450,796,607 in 1860, excluding slaves; or 55 per cent. of Confederate wealth in 1865, and 25 per cent. of Southern wealth given at \$2,735,000,000 in 1870, when greenbacks were exchangeable in gold at 85 to 90 cents. Personal property suffered most, being reduced in 1865 to one fourth its value in 1860 (slaves considered as labor).

For the North there was a true value of \$10,957,000,000 assessed at \$7,680,000,000 in 1860, or three times that of the South, excluding slaves. The war cost the Federal government, as noted above, \$3,289,000,000 \* in loans, legal-tender notes, and taxes, not to compute the loss of 284 vessels worth \$25,000,000 captured by Confederate privateers, necessary extra insurance, state expenditures, and confiscated materials in the South, destroyed property, and general confusion in business. The gold equivalent of the three billion dollars plus was \$2,000,000,000, or 18.4 per cent. of Northern wealth in 1860. But Northern wealth in 1870 was \$26,280,000,000 or seven times the cost at \$3,289,000,000. It is little wonder that President Lincoln thought in 1865 that the North could carry on the war indefinitely.

At the close of the titanic struggle the relation between prop-

\* The four years of war (1861-1865) cost the North, according to D. R. Dewey, \$2,713,568,000 spent by the Department of War; \$314,223,000 by the Navy Department; \$151,573,000 for miscellaneous; and \$169,009,000 in interest on the public debt. The total receipts in taxes, sale of public lands, and miscellaneous, left over two thirds of the cost to be paid in post-war years.

erty and war expenditures in the North and South represented a proportion of effort to wealth as one to four. War costs left the South prostrated and post-war reconstruction governments crushed her for a generation. The cotton industry of the world was so upset by the war that financial and currency arrangements were disturbed for some time. A new farming system and new financing were necessary. Free labor took the place of slave labor and industrialization was given an impetus that ultimately gave to small farming and agriculture second place. A series of banking systems were fixed for more than three quarters of a century, and the United States treasury at last had become an important institution.

[Signed] W. E. S.

## CHAPTER XVI

### CONSTITUTIONAL ASPECTS OF THE CIVIL WAR

IN JULY 1861, the Congress at Washington declared solemnly and under great agitation, "That this war is not prosecuted on our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or established institutions of those states, but to *defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union* \* with all the dignity, equality, and rights of the several states unimpaired ; that as soon as these subjects are accomplished, the war ought to cease."

In his first inaugural address President Lincoln developed the argument that "the Union is much older than the Constitution" ; in fact, he said that the Union created states from provinces. "Unquestionably the states have the powers and rights reserved to them in and by the National Constitution ; but among these surely are not included all conceivable powers, however mischievous or destructive, but, at most, such only as were known in the world at the time as governmental powers ; and certainly a power to destroy the government itself had never been known as a governmental" power. The principle of secession was one of disintegration, and upon disintegration which no government could endure.

Daniel Webster, whose constitutional expositions Lincoln had admired, once said : "Secession as a revolutionary right" was intelligible, but as a practical right existing under the Constitution it was an absurdity, for it supposed resistance to government "under the authority of Government itself ; it supposed dismemberment without violating the principles of Union."

John Lothrop Motley, motivated by a desire to prevent the recognition of the Confederacy by England, writing for his English audience, considered the Constitution a document promul-

\* Italics mine.

gated in the name of the people of the land, ratified by the people, not by the states through their governments; he also considered that no provision had been made by the people by which a state might repeal the Union or secede from it. The Supreme Court expressed the orthodox view after the Civil War (*Texas vs. White*), when it stated that the Union had existed before the Constitution had been written, and that "the Constitution . . . looks to an indestructible Union composed of indestructible States."

Motley's arguments harmonized with John Marshall's; but the claims of Webster, Lincoln, Motley, and Marshall, that the framers of the Constitution and the people who adopted it rejected state sovereignty for national sovereignty when they accepted "We the people of the United States," appeared to be more logical than they were. The national view was accepted by Hamilton and Washington and others, but they were, among many opponents who feared to give up sovereign rights of their several communities, merely a group favoring nationalism.

Historically, the South never lost continuity with the state-rights group of the Constitutional "Fathers." The logic of events, however, was against them, and was with Webster and Lincoln. The South adhered to the theory that sovereignty resided in the people of the states, not in the state governments, and was never, even by implication, given up, since sovereignty could not be surrendered by implication. The Constitution, therefore, was the product of a sovereign people in states which retained paramount authority, though they did set up a supreme law. To the supreme law they admitted that they owed their obedience, but to paramount authority they believed they owed their allegiance. Not having signed away their sovereignty and their allegiance, they assumed the right to withdraw from the Union when they were sufficiently displeased with it. About the reserved right to secede, Professor Randall, after long study, arrived at the conclusion that "none of the commonwealths formally and explicitly reserved in its resolution of ratification the right of a state to withdrawal." After nearly three quarters of a century of reflection historians may be justified in the assertion that the constitutionality of secession is not the key to the problem. The South fought

for a new union in which it hoped to find a harmony of ideals and interests, not for the right of secession in itself. The South revolted on the basis of what it thought was its fundamental right ; the North with its blood and treasure defended the Union which was believed to be a high example of democracy for the world.\* The North emphasized the unconstitutionality of secession in its daily press and speeches, but supported Lincoln's administration because it believed the whole Union was necessary for the general welfare of all.

Both the North and South revered the Constitution — and lived by constitutions. Each accepted the idea of a living constitution, but each had its interpretations based on its own social and economic experiences and aims for the future. "The Constitution is perpetual" was probably the prevailing view in the North ; while the South would preserve the good features of the Constitution of 1787, ridding itself of what it believed to be Northern misinterpretations. During the war it was held together by public sentiment rather than by political organization.

How to conduct constitutionally a major insurrection, a civil war, was no easy task for the governments at Washington and Richmond. Each repeatedly found that it must act as if necessity knew no law. On the Federal side the Constitution granted to Congress the right to declare war, to raise and support armies, to provide and maintain a navy, to make rules for calling out the militia to execute the laws of the Union, to suppress insurrections, and to make laws for carrying into execution these powers. The president was bound by a solemn oath to "preserve, protect and defend the Constitution of the United States," and to act as commander-in-chief of the army and navy.

In the exercise of his war powers President Lincoln was limited by the Constitution, by disputes and rivalries over the interpretations of law, and by practical applications. A considerable part of the Northern public was jealous of its right to freedom of speech and press and the right of assembly ; of its guarantees against unreasonable searches or unwarranted arrests ; of the immunity of persons and the guarantee against the loss of property

\* For an extended discussion of the subject of secession see chapter II.



without due process of law, impartially conducted trials, and the right of an accused to counsel, witnesses, and the presence of his accusers. A study of the historical sources of the period reveals that the *habeas corpus* clause and the First, Fourth, Fifth, and Sixth Amendments were most in the minds of those who thought much of war powers. Many men in the North wanted the president to stick closely to the Constitution ; others liberally believed that he was bound by it during a crisis, though they readily admitted that it sanctioned extraordinary powers to him in war time ; still others, who followed Stevens and Sumner, thought that the Constitution could not operate during the Civil War. As the strong arm of the government reached out with a grand sweep into the rights of citizens, the judges of the Supreme Court pretty generally agreed that extraordinary war powers were necessary for the defence of the nation and were consistent with its constitution.

Two branches of the government enjoy war powers granted or implied. The president commands the army and navy ; and Congress, through its control of the purse, may check his use of them. The president has power to repel sudden invasions, to wage a defensive war ; he has extensive powers over civilian life, especially in relation to martial law and military commissions. He may hold aliens under surveillance, order dangerous citizens arrested, or impose censorship where he believes public safety demands. Concerning the war powers of Congress, the courts have held that the powers of sovereignty rest in the national legislature. Congress may declare war and provide for its conduct. Against the enemy Congress has the right to limit itself only by the definition of "belligerent powers," constitutional guarantees provided in the Fifth and Sixth Amendments not extending to the enemy.\*

\* In the Constitution are found the following clauses : "Congress shall have power . . . [1] to . . . provide for the common defense . . . [2] to declare war . . . [3] to raise and support armies . . . [4] to make Rules for the Government and Regulation of land and naval Forces . . . [5] the Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public safety may require it . . . [6] the President shall be Commander in Chief of the Army and Navy of the United States . . . [7] Treason against the United States shall consist only in levying war against them,

According to the Supreme Court's decision, however, constitutional limitations do apply to peaceful, loyal citizens under the ægis of the Federal government. This decision was one of the famous five-fours in which the minority thought Congress could suspend the writ of *habeas corpus* in districts distant from the seat of war if it believed the exigencies of the situation demanded military rule. If we were to accept as powers of Congress those which it exercised through the Civil War, it could confiscate property, raise armed forces by conscription, include aliens among conscripts if they have declared intentions, set up unusual confiscatory taxes, issue paper money as legal tender, create new states from parts of the old ones, approve the president's suspension of the privilege of *habeas corpus*, authorize the president to take over railroads and telegraph lines, and establish committees to supervise the conduct of the war. Many of these caused much debating in and out of Congress, but from necessity they were assumed as war powers when the crisis came. Stevens "would not stultify" himself by asking, "Is it constitutional?" nor could Sumner compromise with strict constitutionalism when the life of the Union was at stake.

The framers of the Constitution in 1787 were thinking more about problems in time of peace than in time of war. They consequently failed clearly to define the rights of citizens and the powers of the government in time of war. Several American statesmen had formed the opinion before 1787 that the United States must keep free of entanglements in Europe purposely to keep America in a state of peace. Naturally, two kinds of constitutional problems quickly developed as subjects of political controversy in the North. Whether the president or Congress, or both in conjunction, should have the use of extraordinary powers, provoked heated debates in Congress, on the stump, and in the newspapers. Likewise the government's assumption of unusual power over personal freedom — in a jealous democracy — provoked party disruptions, factional hatreds, and intemperate abuse of Lincoln, especially in cases of military arrests and trials.

or in adhering to their Enemies, giving them Aid and Comfort . . . [8] the Congress shall have power to declare the Punishment of Treason. . ."

Another bitter controversy developed between Lincoln and his supporters and the Jacobin congressmen who insisted upon setting up Congress as the war dictator.

In his harangue before Congress (January 22, 1862) Stevens declared that Congress could make itself a dictator, and that under some circumstances he would make it the irresponsible judge of its own conduct. Sumner, a little less radical, claimed for Congress all the rights that belong to any war government. So set in their determination to control the Republican party and Congress and to conduct the war machine were the Radicals that they consistently quarreled with Lincoln, set up a Committee on the Conduct of the War to embarrass him and run the war, and joined with certain Democrats to frustrate the president's plan of reconstruction.\*

The Federal government vastly increased its power before the war closed. It exercised powers of national authority, beginning early in the struggle; and it has not yet ended its expansion. Statesmen of the blue-blooded state-rights party could never have voted for bills to endow agricultural colleges, build the Union Pacific Railroad, and to establish a national banking system as the war-Congress did.

President Lincoln respected personal liberty and used his war powers in a most lenient and circumspect manner as compared to those exercised by certain governments during the World War. "Copperheads" were balanced somewhat by a few over-zealous Union subordinates.† On the whole, however, democracy ran free north of the Ohio river. In the South, after 1862, the Davis administration brought down upon its head unrestrained criticism for its use of conscription, price-fixing, tax in kind, and particularly for the suspension of the writ of *habeas corpus*. Rhett's *Mercury* raised the cry of despotism and accused Davis of a wanton attack on true Southern liberties. Senator Foote of Tennessee bemoaned the national attack on state sovereignty and personal liberty. State and personal prejudices for or against one

\* The constitutional phases of reconstruction are discussed in chapters XI and XII and elsewhere.

† See chapter XII for activities of Vallandigham and the "Copperheads."

liberty or another were finally concentrated in an anti-Davis Congress at Richmond that helped to disintegrate the Confederacy. The Confederacy was born in an "era of good feeling" among Southerners, the act of a political clique supported by overwhelming public opinion which failed to understand that the Confederate government from the beginning and for the duration of the war must from necessity be a veiled military despotism. Philosophically speaking, Davis was the founder of "a new Confederacy"; he possessed less tact than Lincoln, less human insight or understanding of the masses, but he had a much harder problem to solve where state sovereignties and personal liberties were involved in the game of war. In his task of preserving personal liberty, he was just as earnest as his ablest foe.

Vice-President Stephens, speaking of the Confederate Constitution on March 21, 1861, assured the Southern people that "it amply secures all our ancient rights, franchises, and liberties. All the great principles of Magna Charta are retained in it. No citizen is deprived of life, liberty or property, but by the judgment of his peers under the laws of the land. . . The question of building up class interests . . . which gave us so much trouble under the old Constitution, is put at rest forever under the new [!]. We allow the imposition of no duty with a view of giving advantage to one class of persons, in any trade or business, over those of another . . . the subject of internal improvements, under the power of Congress to regulate commerce, is put at rest under our system. . . The new constitution has put at rest forever all the agitating questions relating to our peculiar institution, African slavery as it exists among us, the proper status of the negro in our form of civilization."

Thus spoke the ablest man in the civil government of the Confederacy in the first days of peaceful triumph of the Confederacy. The Confederate Congress had, however, already passed a protective tariff act, and two months after Stephens spoke so reassuringly the Congress passed another act to provide revenue from imported commodities. Soon the Confederate officials ceased talking so much about the great principles of liberty guaranteed by the Constitution and did more fighting. To produce

a greater fighting machine than existed after the year 1861, the government resorted to the use of bounties to induce men to volunteer, but soon that was a recognized failure. Three important conscription acts were passed. The first act (April 16, 1862) provided for the drafting of those between the ages of eighteen and thirty-five years of age ; the second act (September 1862) extended the age limit from eighteen to thirty-five to eighteen to forty-five ; the third act (February 1865) extended the age limit downward to seventeen years and upward to fifty years. The third act provoked many so grievously that they exclaimed, "They are robbing the cradle and the grave." Although the Confederacy was justified in its methods of raising troops, it aroused bitter opposition in the two strong states of Georgia and North Carolina where state rights were jealously guarded. Howell Cobb advised repeal of the first conscription act as early as August 5, 1862, and all sorts of means of evasion were concocted and used by the populace in Alabama, Georgia, Tennessee, and North Carolina.

President Lincoln interpreted his war powers broadly to assume the powers of a dictator. He included within them a right to call forth the militia to suppress rebellion, the existence of which he must determine ; the right to suspend the privilege of the writ of *habeas corpus*, although Congress was the only Federal institution clothed with proper constitutional authority to do so ; the right to call for volunteers for the army beyond the authorized total ; the right to proclaim martial law ; the right to seize personal property if it were necessary for a successful conduct of the war ; the right, on rare occasions, to spend, without congressional appropriation, money from the United States treasury in support of military defence of the government ; the right to suppress newspapers which incited the public mind against the draft ; the right to place under arrest without warrant persons who obstructed the course of warfare ; and the right to proclaim the freedom of slaves belonging to rebels, or to meet other unusual necessities.

Lincoln's claim that he was directly responsible only to the people, who could express their will at the polls, produced an in-

evitable conflict with the Jacobins. He thought his responsibility to Congress ended with the defined relations expressed in the Constitution. In all other respects he felt himself independent of the legislative branch of the government, a sort of people's tribune to which they could look for protection against the oppression of tyrannical minorities ; he also felt that he was justified in the assumption of dictatorial powers in time of war, if it were necessary to preserve the people's Union and their peace-time liberties. In his clash with those who claimed the omnipotence of Congress he countered with the declaration that he, as president, possessed extra-constitutional powers. On this ground he proposed to reconstruct the Southern states and pocket-vetoed the Wade-Davis Bill, thereby bringing upon his head the bitter Jacobinical denunciations expressed in the Wade-Davis Manifesto. Lincoln believed that he could reconstruct Louisiana, or other states in "rebellion," on military grounds, and thus accomplish what Congress possessed no constitutional power to do.

Lincoln did not stop with the powers enumerated above. He issued executive orders and regulations for the enforcement of legislative acts that often appeared to Congress and the public as usurped powers of presidential legislation. An example of this exercise of executive authority is found in the enforcement of the "halting and poorly devised" Militia Act of 1862. Never before in the United States had conscription been used, though it was considered by Congress, but abandoned because of opposition from New England in the War of 1812. Under authority of the militia law of 1795 President Lincoln had called for 75,000 militia, April 15, 1861, to supplement the regular army of 13,000 which was recruited by voluntary enlistments. In passing, it may be repeated that the normal procedure of increasing the Federal army in case of war was by calling for volunteers for a limited period of service. The militia was a state institution whose discipline, organization, and arms were regulated by Congress and partook of the nature of a national system of defence much more important than the national army. Nowhere was the system effective, since it was primarily a paper system. Without the authority of law, Lincoln, on May 3, 1861, again called for

troops for a three-year term. John Sherman, in a letter to the *Cincinnati Gazette*, August 12, 1861, declared that he had never heard anyone claim for the president the power to increase the regular army by proclamation. Writers on the Civil War have rarely realized how difficult it was for the Lincoln administration to secure armies in the Union, so divergent were the opinions of the people on the conduct of war. At the best, the North should have had five soldiers to each Southern soldier, whereas it had two or three; hardly anything else could be expected, however, in view of the fact that the war aims of the North changed in point of time from that of coercion to conquest, to the destruction of the social system of the South. Congress, in 1862, took the line of least resistance when it used the state militia system of creating a national army of proportions and force and, fearing the public mind too much to pass a conscription act, relied upon state laws to be co-ordinated and supplemented by executive orders which were, at best, of questionable constitutionality. The act worked badly, but it was a transitional step toward the drastic act of March 3, 1863, "the crowning example of so-called arbitrary power," providing for universal liability of able-bodied male citizens — eighteen to forty-five years old, with certain specified exemptions such as teachers, clergymen, and post-office and railway officials — to service in the Federal army. So long as Congress and the president could cling to the use of "community spirit" in raising troops to be led by local men whose soldiers knew them and had voted for them, they did so, the better to avoid arousing violent opposition to the conduct of the war.

The act of 1862 made no provision for a draft, yet it was used by states to draft men for military service and by the order of President Lincoln. The unusual point of it is seen in the extension of the executive power. In Wisconsin the executive orders for conscription in co-operation with the state were challenged in court as an unconstitutional delegation of power by the national legislature, but the state court upheld the execution of the act on the ground that when once the militia is called there is no "vital importance" in how it "should be detached and drafted." We may conclude in summary, then, that an American democ-

racy in 1862 allowed its president to conduct its first draft for raising Federal troops ; more than this, in other court cases, he was upheld in the delegation of such powers to governors of states, and it was decided that he was the judge of the existence of insurrections as well as possessing the discretionary authority for calling forth the militia.

The Constitution empowers Congress with the function of making "rules for the government and regulation of the land and naval forces." At different times Congress had published its military code in its "Articles of War." Lincoln assumed on his own responsibility the issuance of a general order, or code of laws, which embodied rules of war for the armies in the field. The acquiescence of Congress resulted, no doubt, because of the necessities of war and the assumption that the president was acting for Congress.

The most mooted war power of the president from 1861 to 1865 was the privilege of suspending the writ of *habeas corpus*. The situation looked dark for the Union when, in April 1861, the president proclaimed the suspension of the privilege between Washington and Philadelphia. Other proclamations limiting the areas soon followed. Hundreds of citizens were seized and held prisoners. The Constitution denies the right to suspend the privilege of the writ of *habeas corpus* "unless when in cases of rebellion or invasion the public safety may require it." But again the question arose as to who is to be the judge of the *existence* of rebellion or invasion, and who is to determine *when* the continuance of the privilege would menace public safety? Does constitutional silence mean that the power to decide rests in Congress, in the president, or is it concurrent? Could Congress, if it did possess the power, delegate such a power, and if the power is concurrent, which implies the right of the president to act in the absence of congressional legislation, does the president have the right to delegate it to his subordinates? Other equally interesting questions arose when this important subject came up, all too frequently, for discussion.

Of all his assumed war powers President Lincoln most reluctantly suspended the privilege of *habeas corpus*. Not until after



much mental agitation and deep conviction of the necessity for public safety did he resort to so grave a procedure in maintaining law and order. He first used it (1861) during the absence of Congress and hastened to present the matter to Congress when it convened in the summer. He warned his military officials to use suspension with care. The president's legislative powers justify the use of orders, setting up regulations and codes which must be enforced through the executive or the judicial function, or by both. Presidential justice includes the right to pardon, the initiation and conduction of prosecutions, and dismissals; he may vigorously enforce military codes, laws, proclamations, and orders, or he may allow the public to violate them at will. He is the fountainhead of justice, and so he may review the decisions of military courts and commissions. He may create special military courts in time of war, and in creating these courts Lincoln went too far. His subordinates established them in conquered and occupied territories and sometimes endowed them with almost unlimited jurisdiction, as in the case of New Orleans. To win the war, Congress abetted the president by conferring upon his officials judicial or quasi-judicial functions.

Lincoln's method of reasoning, which he used to justify his action, was based on his own logic applied to the situation in which he found the nation. Insurrection existed, the Union was endangered, Congress was in recess, the Constitution permitted the suspension of the writ of *habeas corpus* in an emergency, he had sworn before God to protect and defend the Constitution: therefore it was his duty to act. The best objections to presidential suspension are set forth by Chief Justice Taney in the *Ex parte Merryman* case, in a division of the circuit court. The chief justice argued that the power to suspend was legislative, not for the executive, and that any suspected treason in areas where the courts were uninterrupted was subject to judicial process, and to override such process outside districts in rebellion was military usurpation. Taney's appeal to the president for respect for the civil process and his oath to protect, defend, and execute the laws of the country made an ideal weapon in the hands of "Copper-

heads," strict constitutionalists, anti-administration factions, and draft dodgers.

The aged chief justice was nearing the end of an eventful career in which he had loomed large in the Jacksonian bank fight and in the Dred Scott case. He was a real democrat, a mild individualist who believed, without exception, in the sovereignty of the people and in the supremacy of law, never stopping to inquire whether the statutory law conformed to the law of nature. He was a constitutionalist in peace-time and war. He was as oblivious to official criticism as the modern Justice McReynolds. That the war spirit was running high meant little to him; the individual must be protected in his right to live under a rule of law that was constitutional. To him the claim of the president to the right of suspending the writ of *habeas corpus* and of delegating that power to subordinates, as it was used in the arrest of Merryman, was indefensible and wholly subversive of the rights of the individual. He quoted Blackstone to prove that only Parliament possessed the power to suspend the writ in England, and Chief Justice Marshall and Justice Story to prove that Congress alone possessed such a power in the United States. He cited Article Two and the Fifth Amendment to the Constitution as proof that the president did not have the power of suspension and that no individual should be deprived of life, liberty, or property without due process of law.

Attorney-General Bates and Horace Binney, the pamphleteer, defended Lincoln's course. Bates argued that the legislative, executive, and judicial are co-ordinate branches of the government, the president being independent of the judiciary and subject for his acts only to a high court of impeachment. The president, as the preserver and defender of the Constitution, was in duty bound to suppress a rebellion, to decide when the exigency existed, and to determine in what manner he could best discharge that duty. Binney distinguished between English practice and the origin of the constitutional clause and the use of it in America, concluding that the function belonged, for the sake of public safety, to the executive department. Professor George Clark Sel-

lery found in his study of "Lincoln's Suspension of [the] privilege of the writ of Habeas Corpus as viewed by Congress" that though many of Lincoln's supporters claimed it the exclusive power of Congress, yet Congress dallied with the subject long before it adopted legislation of a non-committal phraseology. It wanted to save the president's face without recognizing the principle on which he had acted. In the Thirty-seventh Congress (1861-1862) the House of Representatives passed a bill empowering the executive to suspend the writ of *habeas corpus*, but failed to establish his constitutional right in the matter. After nearly two years of debate and indecision a bill was passed by means of sharp practice through the Senate, declaring that "during the present rebellion" the president was authorized to suspend the right of *habeas corpus*.<sup>\*</sup> Still the Congress was not sure of itself, used ambiguous phrases, and left the subject undecided. The act of March 3, 1863 was, however, practically an indemnification of the president's proclamation of September 24, 1862, which authorized military arrest and trial by military commissions of "rebels" and insurgents, their abettors, and those who discouraged enlistments or resisted the draft. Some authorities hold that this act may be claimed virtually to set the precedent for the president to suspend the constitutional safeguards of personal liberty anywhere in the United States in time of civil war ; to take upon himself the responsibility to present the problem to Congress ; and if authorized by Congress to do like things in the fu-

<sup>\*</sup> A summary of the provisions of the Habeas Corpus Act of March 3, 1863, includes the following : The president was authorized to suspend the privilege of the writ of *habeas corpus* throughout the United States, during the existence of the rebellion, whenever he believed the public safety required it ; a presidential order was sufficient defence in the courts against prosecution for acts committed or omitted by virtue of the order ; the secretaries of state and war were to compile a list of persons seized under such orders to be given to judges of the United States District and Circuit Courts and of the District of Columbia who should discharge those persons, before the termination of their sessions of court in their respective jurisdictions, against whom there were no indictments or presentments or other proceedings if the arrested persons took the oath of allegiance to the United States and gave bond to keep the peace and be of good behavior ; officers acting under presidential orders haled into state courts could be removed to the Federal courts. By omission it did not prevent arrest and trial before military commissions nor a revision of decisions made by such commissions.

ture, it legitimatizes his assumptions before the action of Congress. In this particular case the president continued to act as he had done before March 3. The Lincoln administration, nevertheless, avoided a decision of the Supreme Court, fearful lest a decision lodging the sole power in Congress would paralyse the executive. What the Supreme Court might have decided in 1865 is an open question, but it was believed by Bates in January 1863 that the Court's decision would be adverse to the executive. In 1871 Congress authorized President Grant to suspend the writ in parts of South Carolina when in his judgment he believed it wise, but nothing was said about its sole right to authorize the executive. A majority of American opinion favored the Congress to exercise exclusively this war power, but it was and is conceded that to execute the legislation the president must repeatedly act on his own discretion.

In the early months of the war Secretary Seward's department took into custody persons arrested under military orders and in conjunction with the presidential suspension of the writ of *habeas corpus*. His newly organized secret service, with its agents planted at the border ports, was to apprehend Confederate spies and agents rather than doubtful disloyalists, and it was surprisingly successful in crowding the prisons. The local police and military authorities usually co-operated in this process of apparently wholesale military detention. Every effort on the part of the authorities in Washington to treat the prisoners with due respect failed to prevent a loud outburst of indignation from several groups and factions. Not until after both sections realized that the war was to be a long sanguinary struggle did Lincoln make his proclamations suspending the privilege of the *habeas corpus* writ general in character. In the fall of 1862 he declared that for the duration of the insurrection all insurgents, draft resisters, all persons who discouraged enlistments, and all citizens guilty of disloyal activities were liable to arrest and trial before military courts or commissions.

President Lincoln's prime motive in ignoring Taney's plea seems to have been to scare disloyal citizens into silence or inactivity. No French revolutionary tribunal was ever contem-

plated ; all civil law was never set aside by the president's proclamations, and those arrested were held only until public safety justified trials or releases. Supported by Congress, he imprisoned the most vindictive critics of the administration, those who treasonably aided the Confederacy, and Confederate spies. The Vallandigham case in Ohio was the most notorious political arrest. Caution and moderation were usually the watchwords of those high officials in Washington, who consistently warned their subordinates not to arrest for trivial causes. The suspension of the privilege of the *habeas corpus* writ allowed sudden civil arrest and confinement without an indictment. It did not institute martial law.

In the South the president declared martial law in February, suspending the privilege of the writ of *habeas corpus* at important military stations and in disaffected districts. Although President Davis acted under the law of Congress, a deluge of "turgid oratory" and "denunciatory editorials from the leading newspapers" caused many persons to test the legality of conscription. Again and again the state supreme courts upheld the Confederate right of conscription ; however, a few lower courts declared it unconstitutional. The Texas court expressed the opinion of most of the state courts when it said that the "power to raise and support armies is an express constitutional grant to the Congress of the Confederate States, and there is no limitation as to the mode or manner of exercising it. The conscript law does not violate any of the abstract or guaranteed rights of citizens, nor assume any control over them not delegated by the constitution. The grant of power to make war carries with it, unless expressly withheld, the right to demand compulsory military service from the citizen."

The question also rose as to who had precedence in conscripting citizens, the state or the Confederacy. The supreme court in Texas decided in favor of the paramountcy of the national government ; in Alabama the court said "the claim and call of the Confederate States must prevail over the claim and call of the state government," when the two governments asked for military service of the same person, on the ground that the Con-

federate constitution, and "laws made in pursuance thereof, are the supreme laws of the land." The Mississippi court held the war power of Congress an "exclusive" matter. Under the laws thus declared legal the War Department enjoyed much discretionary authority by which it issued general instructions to officers enrolling men, and formulated policies of a general nature. The judges, trained in the Federal courts, were more like Marshall and Story than some state officials, such as Governor Brown, wished them to be. They continued to cite decisions of Federal judges to support their arguments. According to their decisions the Confederate government was very similar to the old government of John Marshall. Many elected state officials differed with the judges. Georgia passed a state law (1864), placing a fine of twenty-five hundred dollars upon any judge who refused to grant a *habeas corpus* proceeding. In North Carolina courts freely issued the writ to men imprisoned by the Confederate authorities.

The difference between the suspension of the writ of *habeas corpus* and martial law in the North was marked, although the use of the suspension of the writ of *habeas corpus* in time of war was feared by the Northern public almost as much as martial law. When the writ of *habeas corpus* was suspended, sudden arrests, confinement without normal hearings in court, and indictments without process of civil law were possible. Under martial law, offences unknown to the civil law could be subject to military trials and peculiar execution of sentences. Martial law was used in various ways by Lincoln's field generals, and often it worked serious hardships on individuals; its use was excusable only because of the great emergency. Most of the arrests, with their subsequent confinement in well-known military prisons, were justifiable and were in accordance with the constitutional provisions for the public safety. That there was an excessive zeal in arresting political offenders cannot be doubted.

At times Lincoln himself ordered arrests and discharges. His secretary of state — later it was the secretary of war, acting through the power of the president — could order citizens to prison. Congress attempted to quiet the contest between the ju-

diciary and the armies by the passage of the Habeas Corpus Act of 1863. Had the act been strictly adhered to, the president's powers must have been considerably limited, and the civil authority much strengthened. But submission to a powerful executive, desperately trying to preserve the Union, appeared to be desired by the majority; certainly the majority acquiesced. Professor Randall did not find in his wide researches \* that the Act of 1863 made any "noticeable difference in the matter of arrest, confinement, and release of political prisoners." His conclusion is borne out by the record of arrests and releases and the method used by the War Department after March 1863, and by the researches of Professor William R. Dunning who wrote: "Some perfunctory attention was given to the act immediately after its passage, but the War Department soon settled back into its old procedure." The act relieved the tension by limiting to twenty weeks the detainment of suspects without an indictment by a grand jury, and the president further relieved the situation by paroling many political prisoners. It may be concluded that the president's military and suspension powers, so widely criticized before 1863, continued with implied support of the Habeas Corpus Act.

An important angle of the executive war powers is seen in the rise of military commissions. These were useful in the punishment of offences falling mainly under the military code when committed by civilians in areas hostile to the Union. Maryland, Missouri, Kentucky, and parts of other states, after recapture, came in that category. Local attorneys dependent on votes for their jobs indicted few malcontents for such crimes as conspiracy and treason and prosecuted fewer of them. The inactivity and helplessness of the civil courts in disaffected areas practically forced the military government to resort to political arrests. Such cases as robbing Unionist civilians, bushwhacking, destruction of Federal or private property, carrying information to the enemy, and scores of similar offences were subject to trial before military commissions. If found guilty, the prisoner was condemned to severe penalties; but an appeal to the president was always pos-

\* See J. G. Randall, *Constitutional Problems Under Lincoln*, N. Y., 1926, ch. 7.

sible if life were at stake. Union field generals usually promulgated military law with an apology to civilians and an assurance that the courts should sit unhampered in their jurisdiction except in cases in which military interference seemed to the commanding general indispensable to the success of the Union army. Civil law and martial law thus co-existed in some of the border states. Judge-Advocate-General Holt reported to the secretary of war in 1866 that military commissions, freed from technicalities, had been indispensable in regions where local criminal courts could not act quickly.

The loudest outcry against military courts came from regions farthest from the seat of war, not under martial law and agitated by anti-administration critics. Many earnest supporters of the Union war program believed that military trials conducted in districts outside of areas under martial law were unconstitutional. Their case was not a bad one, for under a military order of 1862 marshals and local magistrates could imprison a disloyalist and report the arrest immediately to the Judge-Advocate-General who was supposed to order a trial by a military commission. Offences under such conditions were beyond the war code. Were they legal? In February 1864, the Supreme Court refused to review the exceptional *Vallandigham* case because it claimed that a military commission was not a court within the meaning of the Judiciary Act of 1789, that the case was beyond its appellate jurisdiction and, therefore, the Court could not "originate a writ of *certiorari* to review . . . the proceedings of a military commission." The conclusion for the layman and the military was obvious. The *Milligan* case (October 5, 1864-1866), though different from the *Vallandigham* case in technicalities but similar to it in the public mind, was accepted by the Supreme Court for review after the war had closed. After the danger had passed, the Court declared, in a wavering decision, the illegality of such commissions.

Was Lincoln justified in his expansive use of the executive war powers? The answer must be in the affirmative for some areas, but many arbitrary arrests were unfortunate in distressing times when provocations were legion and dangerous to the safety of



the Union. Here a clearer distinction should have been made between civil and military control, but Lincoln believed that all the nice distinctions could not be foreseen by Congress and the "Fathers of the Constitution," nor could the war administration wait for legislation by Congress and slow judicial processes to keep the peace and stamp out rebellion. Self-preservation is the first law of national existence. Professor Arthur C. Cole concluded in his study, "Abraham Lincoln and the Tradition of American Civil Liberty" (1926), that Lincoln's sympathy for conscientious objectors, his generosity in releasing political prisoners, and his adherence to the American principle of democracy and liberty, whenever he believed it possible to follow the principle, denote him the "Great Conciliator" more than the "Great Emancipator."

Unrestrained military power was as foreign to Lincoln's mind as it was repugnant to the people who believed with their Supreme Court in 1866 that the Constitution should not be suspended in war time. Yet Lincoln, the great democrat, was driven to exercise more arbitrary power than any other chief executive of the United States before 1914. He enlarged the navy beyond the legal limits, spent public money before it was appropriated by Congress, exercised judicial and legislative functions already mentioned, freed slaves by proclamation (effective when sanctioned by Congress), and set up a scheme for the reconstruction of rebellious states, believing the while that the executive, not Congress, was empowered to do so. He seems to have believed that he as president possessed extraordinary legal powers, a sort of reservoir from which he might draw as necessity demanded. From his point of view this reservoir was closed to Congress by a list of constitutionally granted rights; he forgot that the Supreme Court held that Congress might exercise its belligerent powers over the enemy without restraint. Benign as it was, much of his rule was personal, not of the law.

Congress was less certain of its constitutional rights than the executive, and wanting in legal precision. It was boastful and irregular and loose in its work; in truth, it was the awkward, careless frontier America come too soon to sit in the seat of the lawmakers in time of civil conflict. Bewildered by fast-moving

events, it taxed Southern states as if they were members of the Union, and at the same time treated them as belligerents, and was soon to "reconstruct" them back into the Union. Southern property, out of which taxes were supposedly to come for war purposes, was declared by law subject to confiscation. Congress passed tax laws (especially the one of July 1, 1862) practically nullifying important constitutional limitations on its taxing powers, thus advancing toward absolutism and nationalism in respect to the control of private property of loyal citizens. Friendships were broken over arguments as to whether the masses in the South were rebels gone out of the Union or were misguided and misled citizens of the Union. Congressmen complained weekly, in and out of sessions, against the president's extension of the executive power ; but neither the Congress nor the Supreme Court placed any serious restraint upon him. Time and again the legislature sanctioned what he had done and then haltingly passed an ambiguous law on his use of the right to suspend the privilege of the writ of *habeas corpus*. The Act of 1863 was an attempt to change the system of handling political prisoners, and it was little regarded after it became a law. In the high courts some judges who opposed the administration raised a voice against the arbitrariness of the executive's military powers, but few congressmen agreed with Taney and his small company that protests should be made effective. Perhaps Lincoln's humane sympathy, his caution, his well-known dislike for arbitrary rule, his intense love and respect for the Union and democracy kept Congress from asserting itself more.

Lincoln was allowed the use of his arbitrary powers, probably because thinking men knew that he did not want to establish a truly arbitrary government. A small number of newspapers were suppressed, but there was little censorship of the press, and congressmen knew that the president wanted little interference with anti-war newspapers, though some were harmfully antagonistic and abusive. The president and the Judiciary Committee of Congress did sustain Postmaster-General Blair, however, in his contention "that a power and duty to prevent hostile printed matter from reaching the enemy, and to prevent such matter

from instigating others to co-operate with the enemy, by the aid of the United States mails, exist in time of war, and in the presence of treasonable armed enemies of the United States, which do not exist in time of peace, and in the absence of criminal organizations." This power placed the press at the mercy of the government, despite the constitutional guarantee that "Congress shall pass no law abridging the freedom of the press." \* On the whole, the Northern war correspondents were well-intentioned, patriotic gentlemen who, though some of them embarrassed the Union generals with their meddlesomeness and were probably the indirect cause of the loss of thousands of lives by giving Lee and his generals too much information, admirably kept their own people informed. The war correspondent as such was introduced in the Crimean War, and was so new in the Civil War that even the noted ones, including Horace Greeley, Henry J. Raymond, Charles A. Dana, Whitelaw Reid, Henry Villard, and Murat Halstead, floundered between duty to newspaper and flag. In the South the newspaper men were so restricted in their news-getting that the Confederacy enjoyed almost a censorship. At no time were there espionage or sedition acts in the North. President Lincoln frequently was called a dictator, yet congressmen knew dictators did not fear and plan to take defeat at the polls as did Lincoln in 1864. It is little wonder that some men trusted, admired, and loved him; others feared, hated, or despised him; some blustered, boasted, and loudly damned him daily throughout the countryside, in the camps, in the presses, and in the halls of Congress; but they let him go on.

In the Confederacy, the Congress, very soon after the firing upon Fort Sumter, concluded to try any measure necessary to a speedily successful conclusion of the war. This was decided despite the recent reasons given for secession, despite the fact that congressmen were at first merely provisional delegates, despite incompatibility of their course with their espoused creed. The enthusiasm of the masses, the *esprit de corps* of the body politic,

\* This Civil War precedent indicates that the president may suspend the constitutional guarantee for a free press when the executive decides the public safety demands it.

should have led the South into a united opposition to "Lincoln's abolitionists" after he called for 75,000 troops and into the acceptance of centralization of government while they listened to the echo of their cry against it. Volunteering was enthusiastically embraced by thousands. The Confederacy should have put six hundred thousand troops into the field in 1861 but for the insistent state war boards and governors who withheld state-owned arms and other military supplies, declaring, meantime, that they were exercising their states' rights. Professor Owsley once well wrote that "if a monument is ever erected as a symbolical grave-stone over the 'lost cause' it should have engraved upon it these words: 'Died of State Rights.'" Between the state and Confederate officials jealousy was rife, and quarrels soon spread among the people, thus preventing, as the war grew older, the unity of feeling which existed in the spring of 1861.

Until conscription was enforced the state officials, relying upon their states' dignity and sovereignty, insisted upon the right to tender troops to the Confederacy through the governors. When conscription was adopted, the local officials insisted upon state troops for state defence, in many cases seizing Confederate arms, and generally refusing to pool their forces. Volunteers who went directly to the Confederate armies were ordered by Governor Brown to leave their arms behind for local use. Thousands of the loud-tongued gentry sought the local rolls to escape service as conscripts under Confederate law. Commanded by state-appointed officers, insufficient bodies of state troops were formed into skeleton regiments and the Confederate government was then requested to fill out these regiments. Moreover, against the wishes of President Davis and his secretary of war the states undertook to supply their troops in the Confederate service. The competitive bidding of a swarm of state agents led to disastrous results for the Confederate government.

Similar to the disputes over raising and equipping troops was the bitterness between the state and Confederate administrations over the suspension of the writ of *habeas corpus*. The first grant of such a privilege to the president (February 27, 1862) was enacted into law when it appeared that the cause was almost lost

through the disintegration of the Confederate forces. President Davis was courageous, but he cautiously — too hesitatingly, in fact — made limited use of the right to suspend the writ and put only a few cities, towns, and districts, which were threatened by the Northern armies, under martial law. Although salutary results were soon evident, Congress became alarmed at local opposition and amended the act in April 1862, cutting down the duration of the original act and further limiting the powers of the president. A few military commanders put teeth into the law in Texas, Arkansas, East Louisiana, Mississippi, and Atlanta, Georgia. So many bitter protests were sent to Richmond that a scared and confused Congress passed a second law (October 13, 1862, to last until February 13, 1863) limiting the suspension of the writ to fewer places; and the somewhat intimidated war department warned the generals that the suspension of the writ of *habeas corpus* did not grant them power to try civilians in military courts but only to retain them. President Davis then severely rebuked some of his generals for overstepping their powers under the older law. Only after a very strong message from the president could Congress be pushed into passing a third law (February 15, 1864, expiring August 1, 1864) to suspend the writ of *habeas corpus*. Nothing was left to the discretion of the president. Congress defined the causes for which arrests could be made throughout the Confederacy and provided for the appointment of a commission in each state to investigate the cases of arrested and detained persons. Again very bitter quarrels helped to lead to a disastrous breakdown of morale.

The idealistic theory of state rights prevented the Confederate government from arming an additional two hundred thousand volunteers in 1861, held one hundred thousand men in state service and kept them out of the Confederate armies in the spring of 1862, and made the conscription acts a joke; it caused states to compete with the Confederacy in the appointment of regimental officers, to hold the control of sixty out of one hundred and twenty-two factories engaged in manufacturing war supplies, to engage in an independent blockade business, to contest the right of suspending the writ of *habeas corpus*, thus encouraging draft-

dodgers, spies, deserters, and disloyal peace groups in numerous districts where military law was sorely needed, and led to an almost universal protest from local authorities against conscription, and to the final breakdown of impressment of supplies by the government which had little money to buy necessary war supplies. The patience of Job would have been tried had he been in the shoes of President Davis.

The Civil War is a period in American history when legal functional lines between the three national branches of government were blurred. As the "rule of law" had often broken down in minor situations on the frontier, so it broke under the terrible strain of civil war. Men were confused in their constitutional thinking. An example of confused logic is found in the burst of oratory on a proposed confiscation act in the Thirty-seventh Congress. Northern congressmen wanted financially to cripple the Confederacy, punish the "rebels," and augment much needed Federal revenues. But what was the status of the "rebels"? How far did the power of Congress extend? What was the legal character of the Civil War? Who knew? In the beginning Congress thought only property devoted to hostile use should be condemned by law (1861). By July 1862, Congress was aroused enough to pass a sweeping punitive measure providing for the confiscation of property belonging to those persons who supported the rebellion; yet it softened the blow in a clause providing that persons supporting the rebellion must have sixty days' warning before their property might be confiscated. Properties of Confederate officials were made subject to seizure without qualifications. In all cases revenues derived therefrom were to be paid into the United States treasury. The president was authorized to pardon "rebels," but a huffy, "radical" Congress repealed this clause in January 1867, apparently disregarding the constitutional right of the president to pardon. President Lincoln prepared his message to accompany the veto of the Confiscation Bill because his legal insight found that its provisions on treason implied a forfeiture and punishment beyond the lives of the criminals, and so worked a bill of attainder, which was unconstitutional. A joint resolution assuring the president that the

bill was not to apply to acts committed before it became a law, nor to work forfeitures of the real estate beyond the lives of the offenders, paved the way for the executive signature. Curiously the two acts were used simultaneously to the confusion of the owners of forfeited properties. Owing to few confiscations, heavy expenses, the loose administration of the law, dishonest officials, and an administration working under great pressure, only about three hundred thousand dollars accrued to the treasury as a result of the act.

In the heat of the war, when the courts needed a unity of public opinion on the right and justice of the confiscation acts, there was such a diversity of opinion in the North that a final settlement of the constitutionality of the law could not be had until after the war. In the *Miller* case the Supreme Court in 1871 proceeded on the basis of previous decisions (*Prize cases*) to analyse the confiscation acts and declare them valid.

One of the queerest of the congressional war-confiscation acts was the direct tax levy (1862). Under it a few millions of dollars' worth of property was taken and sold by Chase's treasury officials who entered conquered territory as soon as possible. Among the provisions of the direct tax were these : special tax commissioners appointed by the president were to assess and collect a direct tax on lands and lots of ground in districts where quotas under the old war tax could not be peaceably collected ; a penalty of 50 per cent. of the old tax based on 1861 real estate values was added and, in case of default, the land must be forfeited and sold at auction ; a tax-sale certificate conveyed title free from encumbrances. By 1866 collections of taxes and forfeiture from the states in "rebellion" under this unfortunate act amounted to approximately \$4,700,000 of the \$5,000,000 apportionment. The conditions under which sales were made clearly indicate that the South over-paid its quota for the conduct of the war against itself.

No act of the government at Washington was more detested by the South than the direct Federal tax on land. The method used to collect the tax seemed unbearable, levied and collected as it was on and from a helpless people at the point of the sword. A

trifling amount of tax incurred the penalty of sale of valuable property which sold for a song. Speculators and hangers-on took advantage of the situation and good Southern property fell into the hands of the despised "Damn-Yankees." The whole effect was pure confiscation; for example, General Robert E. Lee's Arlington estate was sold in 1863 to obtain a tax amounting to the small sum of \$92.07. The Federal government's tax commissioners bid in a part of it which was then valued at \$26,800 and set aside for a national cemetery for Union soldiers. Later Mrs. Lee and her son sued the government for a more proper value of the estate on the ground of confiscation, claiming that the commissioners had refused to accept the tax from the Lee agent. It was argued that the unusual method of enforcing the law was unconstitutional. The lower courts declared the Lee title valid; it was carried to the Supreme Court, although the United States cannot be sued without its consent, where the judges decided that the tax-sale certificate was not a title, and the case was finally settled when Congress appropriated \$150,000 for compensation to the Lees in return for their quit-claim deed.

The constitutionality of the direct-sale tax was challenged at once by Southerners in "rebellion." They were able to show in some cases that commissioners stipulated that the tax must be paid in person, which was known by the commissioners to be impossible for the reason that the owners were away at war. The owners were privileged to redeem their property by taking an oath of allegiance to the Constitution of the United States and to desist in their treasonable activities. The unfairness of the tax, even to "rebels," was recognized by many Unionists. The Supreme Court in *McKee vs. U. S.* mentioned the small amount received for each parcel sold. General David Hunter wrote Secretary Stanton of the "glaring impolicy" of the tax, and the Blairs — one a general, one an adviser to the president, and another the Postmaster-General — believed the procedure of collection outrageous and unconstitutional. As to its constitutionality must we ask: Was the confederacy a belligerent and out of the Union? The Stevens and Sumner factions said "Yes, for all practical purposes." Then we must conclude that the Federal Congress had



no right to lay a direct, regular war tax on Southern property. It must follow the code relating to enemy property. Again, if the states could not secede — as Lincoln, the Blairs, Seward, and Welles maintained — then it was unconstitutional to levy an unequal direct tax. Lastly, the question was properly raised: Was this extraordinary form of procedure within the range of “due process of law”? An answer in part came in 1891, when the Federal government reimbursed the states for the amounts collected under the direct tax act of 1861.

Closely related to the direct tax was another confiscatory act entitled the Captured Property Act which provided that treasury agents, following in the wake of advancing Federal troops, might take over captured or “abandoned” property. Cotton was the main article of value, amounting to 95 per cent. of the total property taken, but plantations and some other properties belonging to voluntary absentees engaged in or encouraging the “rebellion” were seized. In 1868 the proceeds from such seizures had netted the treasury approximately five sixths of the gross sales of \$30,000,000. Rampant corruption in the administration of this act disgusted honest Union officials. The law was enforced under discouraging and peculiarly difficult conditions in enemy territory where the Confederacy was in pursuit of the same cotton. The administration of “abandoned” plantations by Northern men ignorant of the economic and agricultural principles of cotton culture resulted in heavy losses to society then and after the war. In the execution of the Captured Property Act the government based its policy on “disloyalty.” Its seizures did not end in final condemnation, for the act provided relief to “loyal” claimants appearing and proving their rights before the Court of Claims within two years after the war closed. The president’s pardons and general amnesty proclamations helped to restore properties to the rightful owners. Still, post-war prosecutions, designed to penalize “rebels,” caused much distress and a little loss of property, and intensified the prevailing ill feeling engendered in the South by the Radical reconstruction program. These war measures carried beyond the war — not legally ended, it is true, by the surrender of Lee and Johnston, but generally understood and ac-

cepted as the end — came to naught, so far as pecuniary returns were concerned, when the cases involved were dismissed in 1866 and 1867. The Bureau of Refugees, Freedmen and Abandoned Lands, established March 3, 1865, for the protection and support of emancipated slaves, was intended to administer abandoned estates, mostly realty in character, for the benefit of the freedmen. A few negroes actually received lots of land but the bureau leased most of the lands until they were returned by the president's order to pardoned owners in August 1865.

The war power to emancipate slaves either by the executive or the legislature was contrary to the American doctrine on the right of a belligerent to emancipate the slaves of the enemy.\* The theory was correctly stated by Secretary John Quincy Adams in 1820 in relation to the activities of England in the War of 1812. For expediency's sake the American theory was reversed after the outbreak of the "rebellion." There were those who urged emancipation because they believed Congress had the power to outlaw slavery in insurrectionary states. It was also claimed that the law of nations recognized the right of the North to emancipate by military force the slaves of its enemy. Not bound by legal and scientific thought, the War Department's solicitor cited the "common defence" and "public welfare" phrases in the preamble of the Constitution as sufficient constitutional justification for emancipation. He furthermore argued that congressional legislation, enacted in good faith against "rebels," could not be lawfully voided by any governmental department, because Congress possessed and implied the right to legislate on the abolition of slavery through an omission of any specific prohibition denying itself that right in the Constitution. The Blairs thought the Union could abolish slavery through state and Federal co-operation and payments made to the owners. Their closest "radical" friend, Sumner, held to the state-suicide theory for practical purposes of freeing slaves and restoring the Union. Stevens did not care whether emancipation was constitutional or not. A minority in Congress objected to emancipation by Federal action because they believed it was a question for the states

\* See chapter XI for a more detailed discussion of emancipation.

to decide. President Lincoln consistently adhered to his old theory that no constitutional power existed which could possibly excuse congressional emancipation in the states. This theory was unequivocally expressed in his objections to the notorious Wade-Davis Bill of 1864. He thought Congress did have the right to prohibit slavery in the territories and in the District of Columbia.

The Washington government pursued a non-interference policy in regard to emancipation until the natural developments of war forced its hand. Indication of the president's abandonment of non-interference is strong enough in his Emancipation Proclamation, which came eighteen months after the war began, although he accompanied and softened it with a three-months' period of warning and a standing Federal pledge of pecuniary aid to the states which would adopt emancipation. All questions of the constitutionality of the acts of the president and Congress on the subject were brushed aside by the adoption and the ultimate validity of the Thirteenth Amendment. Whatever Congress and the president did about the abolition of slavery from 1861 to 1865, their acts were war acts prior to the legal ratification of that amendment. Its adoption was finally effected by the aid of eight seceded states, considered for this purpose "States of the Union" (December 18, 1865), but for other purposes of reconstruction the Congress of the United States acted as if the eight states were out of the Union.

Space limits the consideration of the number of constitutional problems arising out of the Civil War. The dividing line between state and national functions was often obscure and debatable. For instance, when the president called for 75,000 troops in 1861, the border-state governors refused to bring their militias into Federal service for the protection of the Constitution and the Union. Professor John W. Burgess, in his treatise entitled *The Civil War and the Constitution*, declared that those recalcitrant governors made themselves liable to court-martial and should "have been arrested, tried, and condemned by a military tribunal." If his assertion is accepted as true, governors must then be the subordinates of the president. Professor Randall, on

the other hand, believes that the president issues his order for the militia "*through* the governors" and "*upon* the citizens." The president does not *order* the governors. From this follows the theory that the obstreperous governors, even the insulting, defiant Governor Jackson of Missouri, were not constitutionally liable to court-martial by the Federal forces. Nor can the governors be considered subordinates of the president, because each is a commander-in-chief of militia, state and national, respectively ; for at any given time the militia serves either the state or the nation, not both at once. The governor is commander-in-chief of his own state militia, he is serving by virtue of returns from state elections and of state constitutional provisions. The president, according to the Supreme Court, possesses no delegated power to compel a governor to do anything (*Kentucky vs. Dennison*, 1860). Resort must be had to some kind of co-operation between the executives in each case where national and state functions overlap.

Confusion of military powers reigned supreme in the early years of the war while the states were so actively engaged in raising and equipping troops. Hardly anything else could have been expected with an army composed mostly of militia serving the state and nation. The states very largely raised, equipped, paid, and transported the Northern armies for the first two years. The states vied with the national government in the purchase of military equipment. Militiamen were drilled, officered, and governed as long as they were in state service, but Congress determined rules for their drill. When the president called the militia into Federal service it and its officers passed under Federal discipline and became subject to the president as Commander-in-Chief of the Army of the United States. The governors usually supervised the recruiting of volunteers of the national army, and Lincoln leaned heavily on the governors in carrying out the draft. Some 80,000 three-months' militiamen and 188,000 volunteers were raised by the states before the extra session of Congress met in July 1861. No wonder energetic governors were soon disputing the powers of Federal officials who were sent into their states. The Andrew-Butler recruiting quarrel in Massachusetts embar-

rassed Lincoln, but it helped to get rid of helpless Secretary Cameron. A change to national control over the armed forces had to come as certainly as the war went on. For the sake of harmony and efficiency governors were gradually demoted from "war ministers" to official representatives of the War Department.

Confusion of constitutional powers in the state and Federal judiciaries arose over repeated attempts to hold Federal officers subject to state courts. This condition was particularly annoying in areas where feeling against the draft or the war was intense. Federal officials who were hampered in the performance of their duties by prosecutions in state courts were finally protected by the passage of the "Indemnity Bill," March 3, 1863, which authorized the president to order such cases into Federal courts. State courts permitted the use of the writ of *habeas corpus* in cases wherein the Federal conscription law was being enforced. Sometimes state courts released men liable for military service on the ground that the conscription law was believed by the local judges to be unconstitutional. On the whole, however, the Federal courts and the Federal will prevailed. The confusion of jurisdictions delayed the perfection of a fighting machine, at times embarrassed and annoyed the national administration almost beyond endurance, and now serves as a record to show that centralization of government under Federal control was far from being as far advanced as some historians would have us believe.

The war ended secession as a constitutional issue. But that does not mean that the Lincoln administration was consciously working for the centralization of power to the destruction of the states. Lincoln and most of his advisers were staunch in their belief in the dual system as exemplified in state and Federal government. Lincoln was not only democratic in his general outlook, but he was a state-rights man. His government took over the conduct of affairs almost invariably as necessity demanded, and not purposely to assume state functions. His great problem was to organize a winning war-machine, to save the Union by overcoming too much decentralization. Forces that ultimately led to greater and greater centralization of government were set

in motion by the war. A new Federalism rose as a result of the extension of national functions, but it developed normally after the war and reconstruction. Slavery was dead by virtue of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution. Later uses to which the Fourteenth Amendment has been put are foreign to the intentions of the people who adopted it, and are a post-war development.

Lincoln's most conspicuous acts were not authorized by Congress, and one of his important contributions to American history lies in his expansion of the power of the executive. The experiences of the public and officialdom in living under extended federal functions led to new federal control under Wilson and the Roosevelts,\* although an excessive centralization can hardly be charged to the Lincoln war administration. The widespread use of federal authority spelled doom for the old idea of state sovereignty. Moreover, we may conclude that in the Civil War the practices of the administration took the precedents of the Constitution rather than the opinion of the courts.

[Signed] W. E. S.

\* Wilson's most conspicuous war acts were within the law. He and Theodore Roosevelt made few attempts to "stretch the Constitution to the limit."



## BIBLIOGRAPHY

THE automobile and hard-surfaced highways have put America on wheels. Largely because of mercenary motives historic sights have been developed for the tourists, but political entities have done much in recent years to mark interesting spots at which some historic event occurred. There remains much to be done. It is to be hoped that the Federal government may work in conjunction with the states on some effective continuous program for the preservation and suitable marking of worthy places of historic interest and the development of museums before many more valuable objects are lost or destroyed.

To the student of the Civil War such places and things are of interest as the major battlefields at Gettysburg, Vicksburg, Chattanooga, and Chickamauga, Fredericksburg, Knoxville, Pea Ridge, Cumberland Gap, Harper's Ferry, the National Museum, the Smithsonian Institute, Ford's Theatre (Oldroyd Lincoln Collection), and the Library of Congress where photographs, displays of war paraphernalia, and records may be found. The National Archives building will be a mecca for the student and the historian. Written records and personal apparel, furniture and tools, guns, and too many other objects to mention, may be seen in such places as Springfield, Illinois (Lincoln Museum and Monument) ; Richmond, Virginia (Confederate Museum and statues of war heroes) ; Charleston, South Carolina ; Springfield, Massachusetts (Armory) ; National Battlefield Museum at Fredericksburg, Virginia ; the Jenny Wade Museum at Gettysburg ; the Crater Battlefield Museum at Petersburg ; and the Storer College Museum at Harper's Ferry.

Many old Civil War homes and buildings are preserved. Among them are the Confederate "White House" at Montgomery, Alabama ; the Robert E. Lee mansion at Arlington, Virginia ; the Confederate "White House" in Richmond, Virginia, now housing the Confederate Museum ; and General Morgan's house in Lexington, Kentucky.

Interesting places connected with the Civil War are John Brown's homes ; the Eliza house at Ripley, Ohio ; the old Slave Market at St. Augustine, Florida ; the various Lincoln houses in Kentucky, Indiana, and Illinois ; and many others. Among hundreds of places yet to be marked properly are the Vallandigham house in Lisbon, Ohio ; the Lottie Moon house in Oxford, Ohio ; the General Burnside's home in Liberty, Indiana ; as well as sites of skirmishes, and battles, and strategic military points. Hundreds of



private homes have materials which should go to museums before they are destroyed, but many are carefully preserved and are, in many cases, open on application to students of the history of the period. Photographs exist in great numbers in private collections, but Brady's *Photographic History of the Civil War* (10 vols., N. Y. 1912), Harper's, and Leslie's sketches are available to most students; and in most good libraries is R. H. Gabriel, ed., *The Pageant of America* (15 vols., New Haven, 1926-1929).

**BIBLIOGRAPHIES:** The most usable bibliography of the Civil War is found in Channing, Hart and Turner, *A Guide to the Study of American History* (N. Y. 1912). Larned's *Literature of American History* (Boston 1902) contains a valuable bibliography, but add to it the excellent critical bibliography in J. K. Hosmer's *The American Civil War* (2 vols., N. Y. 1913) which is a part of the *American Nation* series, or the bibliographies in A. C. Cole, *The Irrepressible Conflict 1850-1865*, the seventh volume in *A History of American Life* series; in Nathaniel W. Stephenson's *Abraham Lincoln and the Union* and *The Day of the Confederacy*; also William Wood, *Captains of the Civil War*, and Walter L. Fleming's *The Sequel of Appomattox* in the *Yale Chronicle* series. T. C. Smith has a valuable bibliography on the beginnings of the Civil War period in his volume in *The American Nation* series, *Parties and Slavery* (N. Y. 1906). Professor Channing has an excellent bibliography in the footnotes of his sixth volume in *A History of the United States* (6 vols.). The best recently published list of references on this subject is included among many others in the annual publication of the American Historical Association: Grace Gardner Griffin, *Writings on American History, Annual Report* of the American Historical Association for 1909-1911, 1918—. A brief description of writings on American history is found in the preface of the *Supplement* for 1919 by J. Franklin Jameson. It may be profitably included here:

The annual bibliography which follows is the fourteenth number of a continuous series opening with 1906. A volume entitled *Writings on American History, 1902*, prepared by Professor Ernest C. Morse, was published at Princeton in 1904. A volume upon a plan by Professor Andrew C. McLaughlin, Mr. William A. Slade, and Mr. Ernest D. Lewis, under the auspices of the Carnegie Institution of Washington, was published by that institution at Washington in 1905. After an interval followed the series, *Writings on American History, 1906, 1907, and 1908*, prepared by Miss Grace Gardner Griffin, and originally published by the Macmillan Company (New York, 1908, 1909, 1910).

Independent publication ceased for a time with the volume for 1908. Beginning with the volume for 1909, though the preparation of the material continued to be provided for by subscription, the printing and publication of the annual bibliography was assumed by the American Historical Association. In its *Annual Reports* for 1909, 1910, 1911, bibliographies of the material published

in those years were included. The Yale University Press, with much public spirit, took up at this point the publication of the series, and issued as independent volumes the bibliographies for 1912, 1913, 1914, 1915, 1916, and 1917. Publication by that concern having ended, the plan of incorporating this annual survey in the *Annual Reports* was resumed, and the bibliography for 1918 was incorporated, as a supplementary volume, in the *Annual Report* for that year. A similar procedure is followed with this bibliography for 1919.

Douglas S. Freeman, *A Calendar of Confederate Papers with a Bibliography of Some Confederate Publications* (Confederate Museum 1908) is evidently useful. A convenient list of references on a variety of subjects may be found in J. N. Larned, *History for Ready Reference*, V (1901), 3529-3675. Many footnote references may be found in Rhodes, *History*, Chadwick, *Causes*, and Hosmer, *Civil War*. J. R. Bartlett, *Literature of the Rebellion* (Boston 1866), is old, lacking in notations, but not to be ignored. Much Civil War information is inseparable from the life of President Lincoln. See Andrew Boyd, *Memorial Lincoln Library*, [etc.] (Albany 1870). For literature on the participants in the Civil War the bibliographies appended to biographies in the *Dictionary of American Biography* and other dictionaries of biography are indispensable.

DOCUMENTS AND OTHER SOURCES: Unquestionably the most valuable source of information on the Civil War is *The War of the Rebellion, A Compilation of the Records of the Union and Confederate Armies* (128 vols., 1880-1901), a work of great proportions compiled with thoroughness and skill under the direction of Adjutant-General E. D. Townsend. Several editors worked many years to complete the four series, the atlas, and the index. A descriptive summary of each series was published some years ago by the Secretary of War. It ran as follows:

Series I. — Embraces the formal reports, both Union and Confederate, of the first seizures of United States property in the southern states, and of all military operations in the field, with the correspondence, orders, and returns relating specifically thereto, accompanied by an atlas. It consists of vols. I to LIII, comprising one hundred and eleven books, many of the volumes being in parts, each part a book. (Serial Nos. 1 to 111.)

Series II. — Contains the correspondence, orders, reports, and returns, Union and Confederate, relating to prisoners of war and (so far as the military authorities were concerned) to state and political prisoners. It consists of eight books, designated as vols. I to VIII (or Serial Nos. 114 to 121).

Series III. — Contains the correspondence, orders, reports, and returns of the Union authorities (embracing their correspondence with the Confederate officials) *not* relating especially to the subjects of the first and second series. It sets forth the annual and special reports of the secretary of war, of the general-in-chief, and of the chiefs of the several staff-corps and departments, the call for troops, and the correspondence between the national and several state authori-

ties. This series consists of five books, numbered as vols. I to V (or Serial Nos. 122 to 126).

Series IV. — Exhibits the correspondence, orders, reports, and returns of the Confederate authorities with regard to the same subjects as those embraced in the third series. It consists of three books, designated as vols. I to III (or Serial Nos. 127 to 129).

The Atlas. — Contains 178 plates, consisting of several hundred maps of battle-fields of the war, routes of march of the armies, plans of forts, etc., and a number of photographic views of prominent scenes, places, and objects.

In the preparation of the War Records the convenience of the reader has been carefully consulted: each volume is separately indexed, prefaced by a synopsis of events, and by a table giving not only its own contents, but those of all preceding volumes in the series.

A general index to the entire work, together with an appendix containing additions and corrections of errors discovered in the several volumes after publication, consists of one book, bearing only the serial number 130.

No critical reader will fail to check reminiscences, memoirs, diaries, and letters with these terse, vivid, hurried dispatches, and studied documents, a large part of which were written under the rattle of musketry and the sound of tramping feet. Each group has its strength and weakness which must be weighed carefully. Seventeen years after the creation of the War Records Office (1877) came the *Official Records of the Union and Confederate Navies in the War of the Rebellion* under the authority of the Secretary of the Navy and the supervision of Robert H. Woods. The same general plan of arrangement was used as that in the compilation of the *War Records*. Recently the sons of Lincoln's Postmaster-General, Montgomery Blair, granted the Naval History Society the privilege of publishing the papers of Assistant-Secretary of the Navy, G. V. Fox, which its editors (R. M. Thompson and Richard Wainwright) did in three volumes entitled, *Confidential Correspondence of Gustavus Vasa Fox, Assistant Secretary of the Navy, 1861-1865* (1918). In 1870 Surgeon-General J. K. Barnes began in the capacity of supervisor *The Medical and Surgical History of the War of the Rebellion*, completing it in 1888. The set of six volumes is profusely illustrated, three of them are surgical and three medical, all being faithfully executed from a technical viewpoint.

For the student the following are of inestimable value: *The Congressional Globe* of the 37th and 38th Congresses, published by the expert hand of John C. Rives, a Union Democrat and left-over of Andrew Jackson's *Washington Globe*. The *Congressional Globe* contains daily debates of the House and Senate, reports of cabinet officials, and set speeches of members of Congress. The reader should remember that each member of Congress was privileged to turn over his speeches to the editor and to change his speech after he saw the proof sheets; he still enjoys that privilege. A published

speech, consequently, frequently differed from that made on the floor of Congress. A change in reporters of the debates varied the quality of the records in the *Congressional Globe*. This is not true, however, of the *Statutes at Large* which contain resolutions and statutes, nor of the *Executive Documents*, which include the written reports of the civil departments of the national government. The decrees of the circuit and district courts may be found in *Federal Cases* and the use of the records of the Supreme Court is possible to researchers. For an account of the published decisions of the Federal courts, the Supreme, circuit, and district, turn to A. B. Hart's *Foundations of American Foreign Policy*. James D. Richardson's *Messages and Papers of the Presidents* (12 vols., Washington 1899) is convenient for presidential messages. James D. Richardson has a set of two volumes (Nashville 1905) entitled *Messages and Papers of the Confederacy* which should be read along with his greater work. There is meagre publication, however, of the documents of the Confederacy. How many Confederate documents were destroyed, no one knows, but the large collection which escaped destruction, thanks to Generals Samuel Cooper and M. J. Wright, C.S.A., and now in the offices of the War Department should be published by painstaking historians and the Federal government. For a bibliography use H. A. Morrison, *List of Confederate Documents and of Books published in the Confederacy*. For some time the Southern Historical Society has been publishing in its *Papers the Proceedings* of the Confederate States. See also, *Journals of the Confederate Congress*. W. T. Tenney's *Appleton's Annual Cyclopedia* (begun in 1861) is a creditable account of contemporary events. From 1881 to 1890 Scribner's published in thirteen volumes monographs by generals who were participants in the Civil War. This valuable work on military history is entitled *Campaigns of the Civil War*, but for lighter and interesting reading use *Rebellion Records* (13 vols., began 1861), a compilation of songs, ballads, selections from pamphlets, newspapers, etc. Volume IV of A. B. Hart, *American History told by Contemporaries* (5 vols., N. Y. 1897-1929) is brief, but contains useful, sound material; it is not just another "source book." Not without value is *The Battles and Leaders of the Civil War* (4 vols., 1888), a compilation of papers of ex-soldiers and ex-military officers, North and South. Next to the *Official Records* in importance is the ten-volume work of John G. Nicolay and John Hay, *Abraham Lincoln, A History* (N. Y. 1890), almost a history of the Civil War written by President Lincoln's private secretaries. The judgments of these two authors are colored by their admiration for their president, but the many documents and materials used are invaluable to the student of the Civil War.

To these volumes, add John G. Nicolay and John Hay (eds.) *Complete Works of Abraham Lincoln* (12 vols., N. Y. 1905). A valuable source on what Lincoln's cabinet thought and did is *Diary of Gideon Welles* (3 vols., N. Y. 1911), but it should be used after having read Howard K. Beale's article, "Is the Printed Diary of Gideon Welles Reliable?" in the *American Historical Review*, XXX, 547-552. No careful student can afford to overlook Dunbar Roland's (ed.), *Jefferson Davis, Constitutionalist; His Letters, Papers and Speeches* (10 vols., Jackson, Miss. 1923), about which there has been some dispute between critics possibly more the result of confusing method of compilation with editorial meticulousness. An interesting collection of letters written by an influential and interesting family is found in Worthington C. Ford, *A Cycle of Adams Letters, 1861-1865* (2 vols., Boston 1920). Charles Eliot Norton (ed.), *Orations and Addresses of George William Curtis* (3 vols., N. Y. 1894) contains various addresses on politics and slavery by a prominent Northern orator; D. S. Freeman, *Lee's Dispatches; Unpublished Letters of Robert E. Lee [etc.]* (N. Y. 1915), is brief and not as valuable as one would hope. Jessie A. Marshall (ed.), *Private and Official Correspondence of Gen. Benjamin F. Butler During the Period of the Civil War* (5 vols., 1917). In *Sketches of War History 1861-1865* (3 vols., Cincinnati 1888), comprising papers read before the Ohio Commandery of the Military Order of the Loyal Legion of the United States are some sketches of value, while others are worthless for general use. Up to the present an adequate study of the influence of Territories on the approaching Civil War could not be made for want of publication of the territorial papers of the United States. Now Clarence E. Carter is editing these valuable papers lodged in Washington and it is hoped that a more thorough rewriting of pre-Civil-War history and the influence of the West may be done.

There are so many privately published Civil War diaries and letters, and in state, regional, and national journals that it would be an almost unending task to mention them. Some of them are excellent, others are merely a record of the whereabouts of the author. Those like the Colonel A. W. Gilbert *Diary* (Cincinnati, Historical and Philosophical Society of Ohio, 1934) and the attractive *Colonel's Diary* by O. L. Jackson of the 63rd Ohio Infantry record the private opinions of the officers of the volunteer forces in the Union army. Similar are the General J. B. Gordon's *Reminiscences of the Civil War*, a vivid story of an old man's recollections; General Hagood's *Memoirs of the War of Secession*; and C. F. Morse, *Letters Written during the Civil War*, a Northern point of view. Such diaries, letters, reminiscences, and journals are of real value. Of a

different nature is the incomparable Mrs. Mary B. Chesnut's *Diary from Dixie* (1905), John B. Jones, *A Rebel War Clerk's Diary at the Confederate States Capital* (2 vols., N. Y. 1866); and Sarah M. Dawson, *Confederate Girl's Diary*.

Valuable collections of Civil War letters are scattered throughout the United States. It is to be hoped that a thorough, general catalogue of Civil War sources may be forthcoming before too many years have passed. Washington, D. C., Boston and Cambridge, New York City, Madison (Wis.), Chicago, St. Louis, Columbia (Mo.), Columbus (Ohio), Cincinnati, Richmond (Va.), Lexington (Ky.), are not all of the centres wherein Civil War collections are to be found. Some are catalogued as in the Library of Congress.

The author of this interpretative study of the Civil War used the unpublished manuscript collections of Johnson, Chase, Holt, McClellan, John Sherman, W. T. Sherman, Fessenden, Comstock, Pickett, Stanton, Stevens, Trumbull, H. Wilson, King, Crittenden, Mrs. H. C. Ingersoll, P. G. T. Beauregard, the Bates Diary, and, of course, those which have been published in part or all, as Chase, Schurz, Lee, Buchanan, Crittenden, Adams, Jefferson Davis, Koerner, Stephens, Sumner, Seward, Fox, Welles, Andrew, Forbes, Hay, *et al.* Other manuscript collections are numerous, such as the Greeley-Colfax letters in New York Public Library, A. G. Thurman Papers in the Ohio Archaeological and Historical Society, Columbus; Levi P. Morton Papers, Henry County, Indiana, Historical Society; the Rutherford B. Hayes Papers at Fremont, Ohio; the James R. Doolittle manuscripts in the Wisconsin Historical Society; the Blair Papers in the Library of Congress; Manuscripts and Diaries owned by the Daughters of the Confederacy; the James S. Rollins Papers, owned by C. B. Rollins, Columbia, Missouri; the William K. Bixby, the Treat, the Broadhead, Eads, Gundlach, Snyder Papers in the Missouri Historical Society; the James Buchanan Papers in Pennsylvania Historical Society; the Alexander Stephens Manuscripts in Library of Congress, and so on, but space here does not permit additional listing. See further the *Check List of Collections of Personal Papers in Historical Societies, University and Public Libraries, and other Learned Institutions of the United States* (Library of Congress, Washington 1918); David N. Matteson, *A List of Manuscripts Concerning American History preserved in European Libraries* (Carnegie Institution, Washington 1925).

GENERAL HISTORIES OF THE CIVIL WAR: So far the best general history is James Ford Rhodes, *History of the United States from the Compromise of 1850* (7 vols., N. Y. 1893-1906). It is a beautiful narrative without hero-worship and independent of many conventional views of Northerners, although a better understanding of the

South would have been desirable. Many recently discovered manuscripts and research studies have made the Rhodes history an old one, though the author wrote discriminatingly. John Bach McMaster, *History of the People of the United States* (8 vols., N. Y. 1883-1913) somewhat wants a sense of narrative, but it is reliable, very good for public opinion, readable, and has a more modern point of view. The ninth volume in this series, *During Lincoln's Administration* (N. Y. 1927) is particularly valuable for the Civil War. Walter G. Shotwell, *The Civil War in America* (2 vols., N. Y. 1923), is an excellent narrative for general readers. It has no bibliography or footnotes, but it is indexed. For some portions of the war period see the critical *Some Phases of the Civil War* (privately printed 1906) by C. F. Adams. Very useful for some purposes is the three volume work, John C. Ropes, *Story of the Civil War, A Concise Account of the War in the United States of America Between 1861-1865* (N. Y. 1933). Edward A. Channing, *History of the United States* (6 vols., N. Y. 1905-1927), VI, *The War for Southern Independence*; is a scholarly interpretative narrative not so well done as the volume on the Jeffersonian period but reliable, and presents in an interesting manner a fairer point of view than most Northern writers have been able to do. H. E. von Holst, *Constitutional History of the United States* (8 vols., Chicago 1885-1892) has a strong Northern bias, shows an ignorance of Southern social life, and is unsympathetic with American social and political habits. It is based on the documents, is interpretative, and is necessary in reading on the period from a critical point of view. A Virginia scholar's point of view may be had by reading the summary treatment of the Civil War by Woodrow Wilson in volume IV of *A History of the American People* (5 vols., N. Y. 1902). Better, however, are the five volumes in *The American Nation A History* (27 vols., N. Y. 1904-1908) entitled T. C. Smith, *Parties and Slavery* (N. Y. 1906); Admiral F. E. Chadwick, *Causes of the Civil War* (N. Y. 1906); J. K. Hosmer, *The Appeal to Arms* and the *Outcome of the Civil War* (N. Y. 1907); and Wm. A. Dunning, *Reconstruction, Political and Economic* (N. Y. 1907), all of which are fair, reliable, good, and carefully footnoted. More readable and fascinating, but without footnotes, are the volumes in *The Chronicles of America* (50 vols., New Haven 1921), edited by Allen Johnson; the volumes treating the Civil War period are: Jesse Macy, *The Anti-Slavery Crusade* (1919); Nathaniel W. Stephenson, *Abraham Lincoln and the Union* (1918); same, *The Day of the Confederacy* (1919); William Wood, *Captains of the Civil War* (1921); and Walter L. Fleming, *The Sequel of Appomattox* (1919). A heavier treatment, but an able one, particularly on constitutional and gov-

ernmental aspects of the war, is Francis N. Thorpe, *The Civil War The National View*, the fifteenth volume of *The History of North America* (20 vols., Phila. 1903-1907). An admirable work is J. A. C. Chandler, *The South in the Building of the Nation* (12 vols., Richmond 1909-1910), a co-operative work which deals with economic, political, and cultural contributions of the South in our history. Very useful to student researchers are such works as John W. Draper, *History of the Civil War* (3 vols., N. Y. 1867-1870) and E. A. Duyckinck, *National History of the War for the Union* (4 vols., 1868), which is founded on official and other authentic documents, but each written too near the war to be accurate or to have the proper perspective. Draper is philosophical and stimulating. One of the best political treatises of the period is John W. Burgess, *The Civil War and the Constitution 1859-1865* (2 vols., N. Y. 1901). A Virginian loyal to the Union was John M. Botts who is fully entitled to consideration in his *Great Rebellion: Its Secret History, Rise, Progress and Disastrous Failing* (N. Y. 1866). Entertainingly written is John Fiske's *Mississippi Valley in the Civil War* (Boston 1900), but, as its title indicates, this book touches primarily one section involved in the struggle. Rossiter Johnson's *Story of a Great Conflict* (N. Y. 1894) and J. M. Callahan's *Diplomatic History of the Southern Confederacy* (1901) are quite useful. S. S. Cox, *Three Decades of Federal Legislation, 1855-85* (Providence 1885), by a War Democrat, is defective as most books are that are written by politicians and officers who went through the period. It is controversial in spirit and inadequate in the latter part of the period treated. Louis Phillipe Albert d'Orleans, Comte de Paris, *History of the Civil War in America* (transl., 1875-1888). An abolitionist's point of view is found in Joshua R. Giddings, *History of the Rebellion Its Authors and Causes* (N. Y. 1864), and in Horace Greeley, *The American Conflict* (2 vols., Hartford 1864-1866), a narrative of the drift of American opinion on the subject of slavery from 1776 to 1865, illustrated, and attempts to show the moral and political aspects of the conflict between slavery and free labor. J. T. Headley wrote a partisan account entitled, *The Great Rebellion: A History of the Civil War in the United States* (2 vols., Hartford 1866). Edward McPherson, *The Political History of the United States of America, During the Great Rebellion* (Washington 1864). This author was for a number of years clerk of the United States House of Representatives and wrote as a pro-Union man, but his presentation of facts appear unbiased. His entire book is a summary of secession plus valuable messages, proceedings of Congress, addresses, etc. The Pulitzer prize work of F. A. Shannon, *The Organization and Administration of the Union Army* (2 vols.,



Cleveland 1928) was long needed, and deals with problems of raising, equipping, and maintaining the armed forces, with a sympathy expressed for the privates in the army. Add to this scholarly work F. L. Huidekoper, *The Military Unpreparedness of the United States* (N. Y. 1915), Ella Lonn, *Desertion during the Civil War* (N. Y. 1928), and W. B. Hesseltine, *Civil War Prisons* (Columbus, Ohio, 1930). Wm. A. Dunning, *Essays on the Civil War and Reconstruction and Related Topics* (N. Y. 1898) has seven essays written by a scholar on the constitutional aspects of the War and Reconstruction. J. D. Cox, *Military Reminiscences of the Civil War* (2 vols., N. Y. 1900) is memory vigorously checked with official records. The War Democrats played so important a part in the conflict that it is wise to consult John A. Logan, *The Great Conspiracy* (N. Y. 1886) who bitterly and partisanly sets forth this point of view. Being a Congressman, the author used Congressional speeches and reports, but cited few references. His first eight chapters are a sketchy review of the growth of the slavery conflict. Careful summaries are in J. G. Nicolay, "The Civil War" and "The North During the War, 1861-1865," in the *Cambridge Modern History* (1903), vol. VII, 443-548 and 568-602. In the same work and volume see the noted economist, J. C. Schwab, "The South During the War," 603-621. Other works are O. J. Victor, *History of the Southern Rebellion* (4 vols., N. Y. 1868) to 1862, a collection of undigested materials put together without bias; E. A. Pollard, *The Lost Cause*, an embittered attack on Jefferson Davis, by a Richmond editor of most uncompromising secessionist principles, who wrote in a stilted, oratorical style. We have no general history of the Civil War and it is to be hoped that Professor J. G. Randall's volume to be published in February 1937 may meet our needs. Asa Mahan, *Critical History of the Late War* (N. Y. 1877), of value principally for contemporaneous criticism, but not always true in judgment; C. A. Evans (ed.), *Confederate History* (12 vols., Atlanta 1899) a collection of accounts or memoirs of Southern writers. W. R. Garrett and R. A. Halley, "Civil War from a Southern Standpoint" in *History of North America*, XIV, is a fair antidote for partisanship such as is found in Pollard or R. B. Rhett, *Confederate Government at Montgomery*. H. A. Wise, *Seven Decades of the Union* (Phila. 1872), by a prominent, forceful, sometimes erratic, Virginian who includes interesting anecdotes and philosophizes on state rights. He is less extreme than Pollard. John T. Scharf, *History of the Confederate States Navy* (N. Y. 1887) is compiled and written by an officer of the navy of the Confederacy. Filled with letters and documents, it is a valuable one-volume source of information. For one phase of Confederate naval history see W.

M. Robinson, Jr., *The Confederate Privateers* (New Haven 1928), footnoted and indexed, judiciously written, and an interesting story. William Swinton, *Campaigns of the Army of the Potomac* (N. Y. 1882), J. Fitch, *Annals of the Army of the Cumberland* (Phila. 1864) and T. B. Van Horne, *History of the Cumberland* (2 vols., Cincinnati 1875) may be used for military history of particular phases of the war. See also J. C. Reed, *The Brothers' War* (N. Y. 1905), an ingenious journalist who should be read with a critical eye. Those volumes of the *American Statesmen* series (40 vols., Boston 1882-1917) dealing with this period are recommended as readable, quite generally reliable, but are without footnotes or bibliographies. Those on Lincoln, Seward, Chase, C. F. Adams, Sumner, Stevens, Grant, and Sherman are useful. Few of them are final, or are critical enough. Short essays on fifteen phases of the Civil War period are found in *Studies in Southern History and Politics* (N. Y. 1914) inscribed to Wm. A. Dunning by his former pupils.

BRIEF GENERAL ACCOUNTS may be listed as follows: James Truslow Adams, *America's Tragedy* (N. Y. 1934); William E. Dodd, *Expansion and Conflict* (Cambridge 1915) in *Riverside* series; Frederick L. Paxson, *The Civil War* (N. Y. 1911) in the Home University Library; John Buchan, *Two Ordeals of Democracy* (Boston 1925), an Englishman's point of view, as is David Knowles, *The American Civil War* (Oxford 1926); Luecke, *Der Bürgerkrieg der Vereinigten Staaten* (1892). W. B. Wood and J. E. Edmonds, *History of the Civil War in the United States, 1861-1865* (N. Y. 1905). A. C. Cole, *The Irrepressible Conflict*, in *A History of American Life*, edited by A. M. Schlesinger and Dixon Ryan Fox (12 vols., unfinished, N. Y.), VII, a work emphasizing social and economic life written in an easy style. A. C. Cole, *The Era of the Civil War* (Springfield, Ill. 1919). W. G. Brown, *Lower South in American History* (N. Y. 1902).

GEOGRAPHICAL INFLUENCES are treated in Ellen C. Semple, *American History and Its Geographic Conditions* (Boston 1903), chs. 13, 14, 17; Thorpe, *The Civil War The National View*, in *North America* series, XV, ch. 1; Wm. H. Matthews, Jr., "Geography and Southern Sectionalism in the Civil War," in *Phila. Geog. Soc. Bulletin*, XXVI, 255-278; A. P. Brigham, *Geographic Influences in American History* (Boston 1903), ch. 7, written by a specialist. Geographic conditions and influences in American history in detail is a subject still needing a master hand. One of the most searching studies of the geographic influences of water on naval affairs is A. T. Mahan, *The Gulf and Inland Waters* (N. Y. 1883). E. M. Coulter, *The Civil War and Readjustment in Kentucky*, has ch. 1 on the land and the people of Kentucky. Hardly a more useful brief work

could be found than A. B. Hulbert, *Soil, Its Influence on the History of the United States* (New Haven 1930).

ECONOMIC AND FINANCIAL HISTORIES include H. J. Carman, *Social and Economic History of the United States* (3 vols., with two published to date, Boston 1930, 1934), II, chs. 6-9, a readable treatise, organized, usable, quite accurate. Fred A. Shannon, *Economic History of the People of the United States* (N. Y. 1934), chs. 14-18, interpretative, fair, interesting, good perspective. E. F. Humphrey, *An Economic History of the United States* (N. Y. 1931), chs. 26-28, strongly economic in point of view, reliable. See other good ones by Dewey, Jennings, Faulkner, Kirkland, Bogart, Coman. James D. Hill, "Some Economic Aspects of Slavery, 1850-60," in *So. Atlantic Quar.*, April 1927, 161-177.

SOCIAL LIFE OF THE NORTH AND THE SOUTH: A knowledge of the social life of both the North and the South at the beginning of and during the Civil War is necessary to a proper understanding of the conflict between these two great sections. For information on the subject turn to Carman, II, chs. 4-7; Cole, *Irrepressible Conflict*, chs. 2-11; Shannon, *Economic History of the United States*, chs. 13, 14, 16; Shotwell, *Civil War*, I, chs. 1, 6; Thorpe, *The Civil War*, ch. 1; Rhodes, *History of the United States*, III, ch. 12; Stephenson, *Day of the Confederacy*, ch. 6, very well done in so brief an account of life in the Confederate South during the War; Chadwick, *Causes*, chs. 2, 3, 4 (slaveholding South period, 1850 to 1860); Adams, *Tragedy*, ch. 3; McMaster, *History*, VIII, ch. 87; Hart, *Contemporaries*, IV, chs. 13, 14; J. D. B. De Bow, *Industrial Resources of the Southern and Western States* (3 vols., N. Y. 1853); A. E. de Gasparin, *Uprising of a Great People* (transl. 1862); Cutting, *Davis*, ch. 4, life of a Mississippi scholar-planter; T. S. G. Dabney, *Memorials of a Southern Planter* (Baltimore 1887), a valuable insight to life in the Confederacy in war time; Kerr, *Kentucky*, I, chs. 54-58; M. Page Andrews, *The Women of the South in War Times* (Baltimore 1920); Catherine C. Hopley, *Life in the South* (2 vols., London 1863).

CONTEMPORARY PERIODICALS AND NEWSPAPERS: No clear picture of the true spirit of a people can be had without extensive use of newspapers and journals. There are many valuable newspapers which a researcher would choose to read. Some of the best are: The New York *Tribune*, the organ of the war party after the fall of Fort Sumter; the New York *Herald* for the opposing view; the New York *Evening Post*, representative of the Democratic intelligentsia; the youthful *Times*; the St. Louis *Democratic Republican* of mild Unionist flavor; the pro-Northern Missouri *Democrat*, pro-Frémont and Radical after 1861; the Democratic Chicago *Times*

and the Republican *Tribune*; the New Orleans *Picayune*; Cincinnati *Gazette*; Boston *Advertiser*; the Richmond *Enquirer*; the Ohio *State Journal*; the Indiana *State Journal*; the Baltimore *American*; and Charleston *Mercury*. Among the Northern periodicals which the author carefully read were *Harper's New Monthly Magazine*, *North American Review*, *Putnam's Magazine*, and the *Atlantic Monthly*. From the South the *Southern Literary Messenger*, edited by W. G. Simms, is best for Southern thought. On economic and political phases of Southern life see *De Bow's Commercial Review* of New Orleans. For Northern economic life see *Hunt's Merchants' Magazine* of Philadelphia and the *Bankers' Magazine* of New York.

DICTIONARIES OF BIOGRAPHY AND ENCYCLOPEDIAS: Of first importance is the *Dictionary of American Biography*, of some twenty volumes, edited by Allen Johnson and Dumas Malone, including biographies of Americans who have contributed something of value to American life and history. Each biography is followed by a bibliography, if possible, a very great aid to researchers. Certainly next in importance is James T. White, *The National Encyclopedia of American Biography* (indexed), the much older *Appleton's Cyclopedia of American Biography* (1887), and *Lamb's Biographical Dictionary of the United States* (1900). Brief articles may be found in Larned's and Hart's ready reference sets, and very useful are *The New International Encyclopedia*, and the *Encyclopedia Britannica*. *The Dictionary of the Social Sciences* will take its place, no doubt, with the *Dictionary of American Biography*, although too much of it has been written by inexperienced writers. The *American Annual Cyclopedia and Register of Important Events* (N. Y. 1862-1900) may be used from 1861 chronologically or topically, and is valuable for its contemporaneous observations.

PICTURES, ILLUSTRATIONS: Reference should be made to *The Photographic History of the Civil War* (10 vols., N. Y. 1911), replete with war scenes; B. J. Lossing, *Pictorial History of the Civil War* (3 vols., Phila. 1866-1869); R. H. Gabriel, (ed.), *The Pageant of America* (15 vols., New Haven 1925-1929), VII, the most recent and the choicest selection of pictorial histories; Harper's *Pictorial History of the Rebellion* (2 vols., N. Y. 1868); *Leslie's Weekly*.

CIVIL WAR SONG AND STORY could be made a valuable study. A medley of songs and stories have been published in Frank Moore, *The Civil War in Song and Story 1860-1865* (N. Y. 1899), without criticism or explanation; the same author has another, the *Lyrics of Loyalty* (1864), all on the Northern side, and so are: L. Bell, compiler, *Pen Pictures of the Civil War [etc.]* (1866); G. H. Baker, *Poems of the War* (1864), possibly a collection of the best war

poems of the period; H. H. Brownell, an ex-service man, *War Lyrics and Other Poems*; J. H. Hayward, (ed.), *Poetical Pen Pictures of the War, Selected from our Union Poets* (1864); George C. Eggleston (ed.), *American War Ballads* (2 vols., N. Y. 1889) is excellent; and there is a collection of *Soldiers' and Sailors' Patriotic Songs and Hymns* (1864). These are representative of the list.

On the Southern side are *Copperhead Minstrel, A Choice Collection of Democratic Poems and Songs* (1867); F. D. Allan, compiler, *A Collection of Southern Patriotic Songs, Made during Confederate Times* (1874); W. L. Fagan, *Southern War Songs* (N. Y. 1890); Emily W. Mason, compiler, *The Southern Poems of the War* (1869); Frank Moore, compiler, *Rebel Rhymes and Rhapsodies* (1864); same, *Songs and Ballads of Southern People* (N. Y. 1886).

CIVIL WAR POETRY: G. C. Eggleston, (ed.), *American War Ballads* (2 vols., N. Y. 1889); R. G. White (ed.), *Poetry, Literary, Narrative, and Satirical of the Civil War* (1866), and H. L. Williams (ed.), *War Songs of the Blue and Gray, as Sung by the Brave Soldiers of the Union and Confederate Armies* (1905).

SOUTHERN CIVIL WAR MUSIC is obtainable in W. R. Whittlesey, *List of Music of the South, 1860-1864* (Library of Congress, Washington).

MAPS FOR THE CIVIL WAR AND RECONSTRUCTION PERIOD are included in the volumes of the *American Nation* and *Yale Chronicles* series. In Harper's *Atlas of American History* are collected the most important maps of the *American Nation* series. Each reader should be equipped with *Harper's Atlas* or have access to other workable maps such as those in Channing, *History*, VI, and Rhodes, *History*, IV, V. With these use C. O. Paulin, *Atlas of the Historical Geography of the United States* (Carnegie Institution Publications, No. 401, Washington, D. C., 1932).

SURGERY, MEDICINE, AND HEALTH: On this subject a definitive work is yet to be written. Good as far as they go, or dealing with special subjects are: C. J. Stille's *History of the United States Sanitary Commission* (Phila. 1866); F. R. Packard, *The History of Medicine in the United States . . . to the Year 1800* (Phila. 1901), with an appended detailed discussion of anæsthetics to a later date; Katherine P. Wormeley, *The Other Side of the War*, describes the humane care, sympathy, and good-will side of the war; Walt Whitman, *The Wound Dresser, a Series of Letters Written from the Hospitals in Washington* (Boston 1898), is along the same line, as is expected of Whitman's articles, "Army Hospitals and Cases," *The Century*, XIV, 825- , and "Walt Whitman in War-Time," *The Century*, XXV, 840- ; *The Documents of the U. S. Sanitary Commission* contain reports from officials of the organization, the

third volume being entitled, *Military, Medical, and Surgical Essays*; Frederic L. Olmsted, General Secretary of the Sanitary Commission, his *Report* to the Secretary of War, Dec. 9, 1861, laid the foundation for the remaining reports of the very valuable work of the Commission. In November 1863, and after, a bulletin was issued twice a month until the end of the war. Local manuscripts of this Commission still are untouched in Cincinnati, Ohio; Julia C. Stimson and Ethel C. S. Thompson, "Women Nurses with the Union Forces during the Civil War," in *Military Surgeon*, LXII, 1-17, 208-230; Martha D. Perry, *Letters from a Surgeon-General of the Civil War* (Boston 1906) is a description of the treatment of Northern prisoners. The outstanding work thus far on this subject appears to be *The Medical and Surgical History of the War of the Rebellion*. Further reading may be found in B. A. Gould, *Investigations in the Military and Anthropological Statistics of American Soldiers* (N. Y. 1869); The *Official Records* are a storehouse for information on this subject. On the work of Southern surgeons and doctors there is J. M. Craig, "The Diary of Surgeon Craig, Fourth Louisiana Regiment, C. S. A., 1864-65," in *La. Hist. Quar.*, VIII, 53-70; H. Baxley, "Dr. Edward Warren of North Carolina," in *Confed. Vet.*, XXXIV, 172-173; H. H. McGuire, "Surgeons of the Confederacy," in *Confed. Vet.*, XXXIV, 140-143; E. R. Wiese, "Life and Times of Preston Moore, Surgeon-General of the Confederate States of America," *So. Med. Jour.*, XXIII, 916-921; May G. Black, "Confederate Surgeons and Hospitals," *Confed. Vet.*, XXXVI, 183-185.

The drug trade is described by Joseph Jacobs, "Some of the drug Conditions during the War between the States, 1861-1865," in *Ga. Hist. Quar.*, X, 200-222.

#### CHAPTER I: THE ELECTION OF 1860

##### I. KANSAS-NEBRASKA STRUGGLE:

L. W. Spring, *Kansas* (Boston 1885), chs. 3-12; J. F. Rhodes, *History of the United States*, II, 78-87, 98-107, 121-134, 150-168, 189-220, 215-220, 237-240, 271-301; McMaster, *History*, VIII, chs. 90-93; Channing, *History*, VI, ch. 6; Jesse Macy, *Political Parties* (New Haven 1919), chs. 14, 16, 17; T. C. Smith, *Parties and Slavery*, chs. 9, 11, 15, 16; H. von Holst, *History*, V, chs. 3, 5, 6, 8, VI, chs. 2, 4, 5; J. N. Holloway, *Kansas*; O. G. Villard, *John Brown* (Boston 1918), chs. 3-6; Horace Greeley, *American Conflict*, I, 124-251; Hart, *Contemporaries*, IV, ch. 8; Allen Johnson, *Douglas: A Study in American Politics* (N. Y. 1908), an interesting, but not a definitive, biography with critical insight and sympathy, chs. 11, 14, 15; George F. Milton, *The Eve of Conflict: Stephen A. Douglas and the Needless War* (Boston 1934) is a very desirable biographical work for the entire pre-war period. Milton has had access to heretofore unused Douglas manuscripts.

Wm. E. Smith, *The Francis Preston Blair Family*, I, ch. 23; John Sherman, *Recollections* (2 vols., Chicago 1895), I, ch. 5; F. B. Sanborn, *Recollections of Seventy Years* (2 vols., Boston 1909), I, 48-133; C. B. Going, *David Wilmot, Free Soiler* (N. Y. 1924), ch. 26; Geo. T. Curtis, *James Buchanan* (2 vols., N. Y. 1883); John B. Moore, *The Works of James Buchanan, Comprising His Speeches, State Papers, and Private Correspondence* (12 vols., Phila. 1908-1911). Others may be used: *The Works of Charles Sumner* (15 vols., Boston 1870-1883); G. E. Baker (ed.), *The Works of William H. Seward* (5 vols., Boston 1853-1884); R. C. Winthrop, *Addresses and Speeches* (4 vols., 1852-1886); Lothrop, *Seward*, ch. 9; Storey, *Sumner*, chs. 8, 9; E. L. Pierce, *Memoir of Charles Sumner* (4 vols., Boston 1877-1893); John W. Chadwick, *Theodore Parker Preacher and Reformer* (Boston 1900), ch. 12, gives an anti-slavery preacher's views; Nicolay and Hay, *Lincoln*, I, ch. 19; F. H. Hodder, "English Bill" in *Am. Hist. Asso. Report*, 1906, I, 201; same, "Douglas and the Kansas-Nebraska Act" in *Wis. Hist. Soc. Proceedings*, 1912; E. S. Corwin, "The Dred Scott Decision," in *Am. Hist. Rev.*, XVII; W. W. Sweet, "Some Religious Aspects of the Kansas Struggle," in *Journal of Religion*, VII, 578-595; Kan. Hist. Soc. *Coll.*, I, 193-233, III, 205-337, IV, 385-745, V, 163-633; F. H. Hodder, "Railroad Background of the Kansas-Nebraska Act," in *Miss. Valley Hist. Rev.*, XII, 3-22; Richardson, *Messages and Papers*, V, 340-350, 352-360, 398-407, 431-433, 450-454, 471-481, 497-503.

## 2. RISE OF THE REPUBLICAN PARTY :

Francis Curtis, *The Republican Party* (2 vols., N. Y. 1904), I, chs. 6-9, a friendly outline of the history of the party; Frank A. Flower, *History of the Republican Party* (Springfield, Ill. 1884), chs. 14-19, a biased, but interesting, account by one who knew personally about the rise of the party; Horace Greeley, *Proceedings of the First Three Republican National Conventions of 1856, 1860 and 1864* (Minneapolis 1893), documentary and accurate; Frank R. Kent, *The Democratic Party: A History* (N. Y. 1928), a brief, very readable outline of party history; A. W. Crandall, *The Early History of the Republican Party* (Boston 1930), entire, critical, and a good thesis; Rhodes, *History*, I, 206-208, 243-278, II, chs. 7, 8; McMaster, *History*, VIII, chs. 90, 91; same, *With the Fathers* (N. Y. 1896), 87-106; Channing, *History*, VI, ch. 5; von Holst, *History*, IV, chs. 3, 4, V, chs. 1, 2, 4, 7, 9; James Schouler, *History of the United States Under the Constitution* (6 vols., N. Y. 1894-1899), V, ch. 21; Cole, *Irrepressible Conflict*, 273-282; Edward Stanwood, *History of the Presidency From 1788 to 1897* (Boston 1898), chs. 19, 20; B. F. Hall, *The Republican Party and Its Presidential Candidates* (N. Y. 1856), entire, a campaign document; Wm. S. Meyers, *The Republican Party: A History* (N. Y. 1928), better than average party histories; John Tweedy, *A History of the Republican National Conventions from 1856 to 1908* (Danbury, Conn. 1910), convenient for essential facts; Nicolay and Hay, *Lincoln*, II, ch. 2; T. C. Smith, *Parties and Slavery*, chs. 2-4, 8, 10, 12; same, *Liberty and Free-Soil Parties* (Boston 1897), chs. 14-19; Stephenson, *Lincoln and Union*, ch. 2; Henry Wilson, *Rise and Fall of the Slave Power* (3 vols., Boston 1872-1877), II, chs. 31, 32, 35, 38. The author's prejudices are evident, but he strove for impartiality. Being a participant, his summaries of congressional debates and incidents in the abolition movement are of real value. Buchanan, *Works*, VIII, 426-500, X, 8-100, XI, 494-510; E. A. Pollard, *Lost Cause*, ch. 4; Nicolay and Hay, *Lincoln*, I, chs. 18-21; M. Storey, *Sumner*, chs. 6, 8; R. C. Winthrop, Jr., *R. C. Winthrop*, 142-194; G. W. Julian, *Giddings*, ch. 11; A. G. Riddle, *Benjamin F. Wade* (Cleveland 1886), composed of papers originally published

in the *Magazine of Western History*, inadequate, few sources used, chs. 7, 8; Going, *Wilmot*, chs. 27, 28; Wm. E. Smith, *Blair Family*, I, ch. 21, an account of the work of a Jacksonian Democrat; Horace Greeley, *American Conflict*, I, chs. 17-21; Lothrop, *Seward*, ch. 8; John Sherman, *Recollections of Forty Years*, I, ch. 6, an account by an able and conservative participant; Horace Greeley, *Recollections of a Busy Life* (N. Y. 1868), dedicated to American youth, is worth reading both for information and pleasure, ch. 42; Allan Nevins, *Frémont, the West's Greatest Adventurer* (2 vols., N. Y. 1928), well written, based on Frémont journal; Chas. N. Holmes, "The First Republican-Democratic Presidential Campaign," in *Journal of Am. Hist.*, XIV, 41-48; Walter R. Sharp, "Henry S. Lane, and the Formation of the Republican Party in Indiana," in *Miss. Valley Hist. Rev.*, VII, 93-112; Johnson, *Douglas*, ch. 12.

### 3. THE POLITICAL CONVENTIONS OF 1860:

The best, most searching treatise on this subject is Emerson D. Fite, *The Presidential Campaign of 1860*. Stanwood, *The Presidency*, I, ch. 21. See Curtis, Greeley, Flower, Kent, referred to in section 2, but for different chapters. Rhodes, II, chs. 10, 11; Hart, *Contemporaries*, IV, 151-159; McMaster, *History*, VIII, 446-472; Schouler, *United States*, 450-455; Channing, *History*, ch. 9; Murat Halstead, *A History of the National Political Conventions of the Current Presidential Campaign* (Columbus, Ohio, 1860), written by a progressive, a severe critic, but partisan; P. O. Ray, *The Convention that Nominated Lincoln* (Chicago 1916); Murat Halstead, *Caucuses of 1860* (Columbus, Ohio, 1860); A. G. Proctor, *Lincoln and the Convention of 1860* (Chicago 1918); Greeley, *Proceedings [etc.]*; Wilson, *Rise and Fall*, II; Going, *Wilmot*, ch. 31; T. K. Lothrop, *William Henry Seward* (Boston 1896), ch. 11.

Almost any biography of Lincoln has a chapter on the convention, or at least several pages. Of first rank is Nicolay and Hay, *Lincoln*, then see Lord Charnwood's *Abraham Lincoln* (N. Y. 1916), a charming, admiring biography more detached than most biographies of Lincoln, 155-160. Ida M. Tarbell, *The Life of Abraham Lincoln* (2 vols., N. Y. 1900), first published with profuse illustrations in *McClure's Magazine*, beginning November 1895, is probably the most graphic history on the subject; see vol. II, ch. 19. Possibly the next most interesting treatment of Lincoln's life is N. W. Stephenson's *Lincoln* in which the author ingeniously, and with much reason, describes Lincoln's life as a series of crises. Carl Sandburg, *Abraham Lincoln* (N. Y. 1926), is good literature worth reading, but should not be taken as serious history. A widely read book is W. H. Herndon and Jesse W. Weik, *The History and Personal Recollections of Abraham Lincoln* (3 vols., N. Y. 1911), a much discussed, ugly, sordid story of the early life of Lincoln. The work has truth and untruth mixed and should be read with a critical eye. See others like W. H. Lamon, *Recollections of Lincoln, 1847-1865* (Washington 1911); D. W. Bartlett, *The Life and Public Services of Abraham Lincoln* (N. Y. 1860), ch. 4; and J. G. Holland, *Life of Abraham Lincoln* (Springfield, Mass., 1866), ch. 15; Nicolay and Hay, II, chs. 13-15. Not until the Lincoln papers in the Library of Congress, placed there by Robert Todd Lincoln to be opened in the 1940s, are available to historians can anything like a definitive work on his life and work be written. As yet there has appeared no really scientific biography of Lincoln. Read J. G. Randall, "Has the Lincoln Theme been Exhausted," in *Am. Hist. Rev.*, XLI, 270-294. Do not overlook James L. Murphy, "Alabama and the Charleston Convention of 1860" in *Alabama Polytechnic Institute Hist. Papers*, Second Series (Montgomery 1905), 139-166.



## 4. CAMPAIGN AND ELECTION OF 1860 :

Rhodes, II, 477-502 ; McMaster, VIII, 458-466 ; Channing, VI, ch. 9 ; Stanwood, I, ch. 21 ; Stephenson, *Lincoln and Union*, ch. 3 ; James S. Pike, *First Blows of the Civil War* (N. Y. 1879), an interesting account by a contemporary journalist ; Smith, *Blair Family*, I, ch. 26. *The Tribune Almanac* for 1861 contains much political information, as well as the *American Almanac* which has collections of federal and state statistics. Thos. V. Cooper and H. T. Fenton, *American Politics* (Phila. 1882) reprints the party platforms and election statistics. Fite, *Presidential Campaign of 1860*, entire, best. See also Flower, Curtis, Kent, Greeley, Meyers, Tweedy, Hall. Some essays on phases of the election and campaign are : W. E. Dodd, "The Fight for the Northwest, 1860," in *Am. Hist. Rev.*, XVI, 774-789 ; C. R. Fish, "The Decision of the Ohio Valley," in *Annual Report of the Am. Hist. Asso.*, 1910, 155-164 ; Mary Scrugham, "The Peaceable Americans of 1860-1861," in *Studies in History, Economics, and Public Law*, edited by the Faculty of Political Science of Columbia University, XCVI, No. 3 (N. Y. 1921) ; James L. Murphy, "Alabama and the Charleston Convention of 1860" in *Ala. Poly. Inst. Hist. Papers*, 139-166 ; Chas. B. Johnson, "The Presidential Election of 1860," in *Ill. State Hist. Soc. Proceedings* for 1927, 115-121. Donal V. Smith, "Salmon P. Chase and the Election of 1860," in *Ohio Archaeol. and Hist. Quar.*, XXXIX, 515-607 ; Denman, *Secession Movement in Alabama*, 76-86. On the result of the election see Hart, *Contemporaries*, IV, 162-164 ; Greeley, *American Conflict*, Nicolay and Hay, *Lincoln*, II, ch. 16 ; C. S. Boucher, "South Carolina and the South on the eve of Secession, 1852-1860," in *Washington University Studies*, VI, No. 2, 79-144.

## 5. BIOGRAPHICAL :

Frederic Bancroft and W. A. Dunning, *Reminiscences of Carl Schurz* (3 vols., Garden City 1908), one of the best American memoirs, and certainly of first rank information on German influence. Frederic Bancroft (ed.), *Speeches, Correspondence and Political Papers of Carl Schurz* (6 vols., N. Y. 1913). B. C. Steiner, *Life of Henry Winter Davis* (Baltimore 1916), ch. 7, a worthwhile biography of a powerful, individualistic politician. Allen Johnson, *Douglas*, ch. 18, and Milton, *Douglas*. Cutting, *Jefferson Davis Political Soldier*, ch. 10. Storey, *Sumner* (Boston 1900), ch. 10, friendly to Sumner, but good. Sherman's *Recollections*, I, ch. 9. Greeley, *Recollections*, ch. 48. J. W. Schuckers, *Life and Public Services of Salmon Portland Chase* (N. Y. 1874). S. P. Chase, "Diary of, and Selected Letters of," in *Annual Report*, Am. Hist. Asso., 1902, II, 284-296. D. P. Houghland, "Voting for Lincoln in Missouri in 1860," in *Kansas Hist. Soc. Trans.*, 1905-1906, IX. A. K. McClure, *Recollections of Half a Century* (Salem 1902), a Northern view. G. W. Julian, *Political Recollections 1840-1872* (Chicago 1884). Lothrop, *Seward*, ch. 11. D. T. Lynch, "Boss" Tweed (N. Y. 1927), ch. 16, a graphic description of New York politics in the election of 1860. Harriet A. Weed (ed.), *Autobiography of Thurlow Weed* (Boston 1884), the life of the sage of Northern Whigdom and Seward's most influential friend, editor of *Albany Evening Journal*. Thurlow Weed Barnes, *Memoir of Thurlow Weed* (Boston 1884), to be used with the *Autobiography*.

Any fairly complete outline of Lincoln's life story contains a description of the campaign of 1860. See especially Nicolay and Hay, *Tarbell*, Herndon and Weik, Lamon, Stephenson, and A. J. Beveridge, *Abraham Lincoln 1809-1858* (2 vols., Boston 1928), for character sketches, but does not come down to 1860. Many biographies of other men of 1860 have illuminating chapters on the election of 1860.

## CHAPTER II : SECESSION

## I. EVENTS IN GENERAL :

Dumond, *The Secession Movement 1860-1861*, entire ; has an extensive bibliography on the subject. Professor Dumond's critical bibliography makes unnecessary the inclusion of another lengthy one here. Stephenson, *Lincoln and Union*, ch. 5 ; same, *Day of the Confederacy*, chs. 1, 2 ; Shotwell, *Civil War*, I, ch. 8 ; Chadwick, *Causes of Civil War*, chs. 8, 9, 10, 12 ; Thorpe, *Civil War*, ch. 3 ; Channing, *History*, VI, ch. 10 ; Rhodes, *History*, III, ch. 13 ; Adams, *Tragedy*, ch. 5 ; P. G. Auchampaugh, *James Buchanan and His Cabinet on the Eve of Secession* (Lancaster, Pa., 1926), a timely and careful study, which shows a different view of Buchanan than a time-serving official ; G. T. Curtis, *Life of James Buchanan* (2 vols., N. Y. 1883) ; Mary Scrugham, *The Peaceable Americans 1860-1861* (N. Y. 1921).

## 2. POLITICAL THEORIES OF THE SOUTHERNERS :

Hart, *Contemporaries*, IV, chs. 9, 10 ; Speeches of Southern senators in Congress in *Congressional Globe* ; Dumond, *The Secession Movement 1860-1861* (N. Y. 1931), the best, latest, fairest treatment of the subject. Entire. Interesting also is Dumond's *Southern Editorials on Secession* (Beveridge Memorial Fund, Am. Hist. Asso., 1931). Channing, *History*, VI, 256-270 ; McMaster, *History*, VIII, chs. 96, 97 ; Denman, *Alabama*, chs. 4, 5 ; Cole, *Irrepressible Conflict*, 287-290 ; A. H. Stephens, *A Constitutional View of the Late War between the States* (2 vols., Phila. 1870), an apologia "presented in a series of colloquies at Liberty Hall."

A brief resumé of Southern life, social and economic, may be found in Carman, *Social and Economic History*, chs. 6, 7. For profitable reading on Southern political thought turn to V. L. Parrington, *The Romantic Revolution in America 1800-1860* (N. Y. 1927), the second volume of his very valuable series entitled *Main Currents in American Thought*. As an introduction to secession in 1861, J. T. Carpenter, *The South as a Conscious Minority, 1789-1861* (N. Y. 1930) is a much needed discussion and narrative. A narrow, violent view is (Parson) W. G. Brownlow, *Rise, Progress and Decline of Secession* (Phila. 1862), a story of East Tennessee, bitter in tone ; a reprint of editorials, speeches, correspondence. Ropes, *Civil War*, Part I, iii-iv, 3-5 ; E. M. Coulter, *Civil War and Readjustment in Kentucky*, ch. 2 ; *Echoes from the South*, ed. by E. B. Treat & Co. (N. Y. 1866), sources including addresses, ordinances, proclamations of Confederates in 1860-1861 ; Nicolay and Hay, *Lincoln*, II, chs. 17-27, III, chs. 1, 12, 13 ; C. W. Ramsdell, "The Frontier and Secession," in *Studies in Southern History and Politics*, No. 3. See also, W. L. Fleming, "The Literary Movement for Secession" and David Y. Thomas, "Southern Political Theories" in the same volumes ; J. A. C. Chandler, *The South in the Building of the Nation* ; A. H. Abel, *American Indian as Slaveholder and Secessionist* (Cleveland 1915).

A very valuable study is John G. Van Deusen, *Economic Bases for Disunion in South Carolina* (N. Y. 1928), in which the author emphasizes the suffering from economic decline, the cause of which the Carolinians attributed to unequal distribution of Federal benefits. C. F. Adams, *Studies, Military and Diplomatic 1775-1787* (N. Y. 1911), 299-302, good ; C. E. Merriam, *American Political Theories* (N. Y. 1903), ch. 6, standard ; Mrs. Varina H. Davis, *Jefferson Davis, ex-President of Confederate States, A Memoir* (2 vols., N. Y. 1890) ; Rowland, *Jefferson Davis's Place in History as Revealed in his Letters*

and Speeches (Pamphlet, 1923); R. W. Winston, *High Stakes and Hair Trigger*; *The Life of Jefferson Davis* (N. Y. 1920), too hurriedly written, but delightful reading; Wise, *Seven Decades*, and B. H. Wise, *Life of Henry A. Wise of Virginia, 1806-1876* (N. Y. 1899), fair, accurate; Henry Cleveland, *Alexander H. Stephens in Public and Private with Letters and Speeches Before, During, and Since the War* (Phila. 1866), 7-124, 149-170, 656-713, excellent by a Georgian Unionist-Secessionist; P. A. Stovall, *Robert Toombs, Statesman, Speaker, Soldier* (N. Y. 1892), an eulogistic memorial of some worth; J. W. DeBose, *The Life and Times of William Lowndes Yancey* (Birmingham 1892), an account of state politics to 1854, thereafter national to 1863, clever manner in presenting state rights doctrines.

Mrs. Chapman Coleman, *The Life of John J. Crittenden* (2 vols., Phila. 1873); A. H. Stephens, *A Constitutional View*, ablest exposition of the Southern viewpoint; J. F. H. Claiborne, *Life and Correspondence of John A. Quitman*; Jefferson Davis, *Rise and Fall of Confederate Government* (2 vols., N. Y. 1881), closes in early part of Reconstruction period, controversial, scholarly in presentation of state rights, no personal reminiscences, and very little inside history of the Confederacy.

A temperate treatment of the Southern view by one fully entitled to express himself is J. L. M. Curry, *The Southern States, Considered in their Relations to the Constitution of the United States and to the Resulting Union* (N. Y. 1894). See also T. L. Clingham, *Writings and Speeches* (Raleigh 1877), a Whig turned Democrat, one who followed his state into the Confederacy; R. E. Lee, Jr., *Recollections and Letters of R. E. Lee* (Garden City 1904); Gamaliel Bradford, *Lee the American* (Boston 1929), ch. 2, a readable character analysis, that has a bibliography of the most generally used works on Lee; Cutting, *Davis*, ch. 10; Col. G. F. R. Henderson, *Stonewall Jackson and the American Civil War* (2 vols., N. Y. 1898), I, ch. 4; Laura A. White, *Robert Barnwell Rhett* (N. Y. 1931), is a story of one of the trio whose names were often in the minds of pre-War Republicans - Rhett, Yancey, Toombs.

Many magazine articles and studies now throw new light on the subject: Geo. H. Putnam, "Jefferson Davis and the Fight for the Republic," in *The Independent*, CX, 124-126; Salem Dutcher, "The South and the Constitution," in *Confed. Vet.*, XXVII, 249-252; Lyon G. Tyler, "The South and Self-Determination" in *William and Mary Quarterly*, XXVII, 217-225; T. V. Smith, "Slavery and the American Doctrine of Equality," in *Southwest Political Science Quarterly*, VII, 333-352; W. C. Ford, "Sumner's Letters to Governor Andrew, 1861," in *Mass. Hist. Soc. Proc.*, LX, 222-233, a series of letters dated Jan. 8 to Feb. 20, 1861, and dealing with public affairs; Chas. B. Howry, "Responsibility for the War," in *Confed. Vet.*, XXXI, 90-93; Beatrice Van Court Mugan, "Causes of Secession," in *Confed. Vet.*, XXXI, 58-59; Geo. W. Duncan, "John Archibald Campbell," in *Ala. Poly. Inst. Hist. Papers*, Second Series (Montgomery 1905), 7-53.

An exposé of the assumption of a slaveholder's conspiracy is C. S. Boucher, "In Re that Aggressive Slavocracy," *Miss. Valley Hist. Rev.*, VIII, 13-79; A. C. Cole, "Lincoln's Election an Immediate Menace to Slavery in the States?" *Am. Hist. Rev.*, XXXVI, 740-767, differs with the view of J. G. de R. Hamilton in "Lincoln's Election an Immediate Menace to Slavery in the States?" in *Am. Hist. Rev.*, XXXVII, 700-711. A closely organized and convincing article is R. R. Russel, "Economic Aspects of Southern Sectionalism," (U. of Ill., *Studies in Soc. Sciences*, XI, Nos. 1, 2, Urbana).

F. J. Turner, *The Significance of Sections in American History* (N. Y.

1932) is a story of the influence of soil, climate, and resources, by a master historian.

### CHAPTER III : COMPROMISE

#### PROPOSALS OF AND ATTEMPTS AT COMPROMISE :

Rhodes, *History*, chs. 13, 14; Chadwick, *Causes of the Civil War*, chs. 11, 16-18; Stephenson, *Lincoln and Union*, ch. 5; von Holst, VII, ch. 11; Nicolay and Hay, *Lincoln*, ch. 28, IV, ch. 14; Adams, *Tragedy*, 166-176; Dumond, *Secession*, chs. 8, 9, 11, 12; Hart, *Contemporaries*, IV, ch. 11; Edward Dickey, an English traveller in America observes conditions near the outbreak in *Six Months in the Federal States* (1863); the sympathetic foreign Count Agénor Etienne Gasparin describes America during the "Compromise" period and the beginning in *Uprising of a Great People* (Transl. by Mary Booth, 1862); L. E. Chittenden, *Report of the Debates and Proceedings in Secret Session of the Confederate Convention, Washington, 1861*; Going, *Wilmot*, ch. 33; K. Coleman, *Crittenden*; Buchanan, *Works*; Mary Scrugham, *The Peaceable Americans of 1860-1861*; *A Study in Public Opinion*, usable and valuable; F. Bancroft, "Final Efforts at Compromise," in *Pol. Sc. Quar.* (Sept. 1891); same, "Seward's attitude toward Compromise and Secession," *The Atlantic Monthly*, LXXIV, 597-608.

### CHAPTER IV : PEACE AND WAR

#### 1. LINCOLN, THE INAUGURATION, HIS CABINET :

See previous works cited on Lincoln in I, 3; also H. J. Raymond, *Life of Abraham Lincoln* (N. Y. 1865); A. Rothschild, *Lincoln, Master of Men* (Boston 1906), chs. 1-4, if not entire; Shotwell, *Civil War*, I, ch. 9; M. D. Conway, *Autobiography* (2 vols., Boston 1904), I, 350-351; Nicolay and Hay, *Lincoln*, IV, chs. 16-22; Carl Schurz, *Abraham Lincoln* (Boston 1891), 67-73; Richardson, *Messages and Papers*, V, 3206-3232; Going, *Wilmot*, ch. 32; Clarence E. McCartney, *Lincoln and His Cabinet* (N. Y. 1931), with footnotes and bibliography, the author tells the story of each cabinet member in readable essays; Nicolay, "The Outbreak of Rebellion," in *The Army in the Civil War* (13 vols., N. Y. 1881), I, ch. 4. This entire set is replete with excellent maps, has many illustrations, and is a detailed narrative of military affairs. Greeley, *Recollections*, ch. 51; Smith, *Chase and Ohio Politics*; and various biographies of Chase, Blair, Seward, and Stanton, and Welles *Diary* cited in ch. 10; also, Joseph B. Foraker, "Salmon P. Chase," in *Ohio Arch. and Hist. Soc. Publications*, XV; Charles Gibson, "Edward Bates" in *Mo. Hist. Rev.*, II; A. Howard Meneeley (ed.), "Three Manuscripts of Gideon Welles," in *Am. Hist. Rev.*, XXI, 484-494, on the formation of Lincoln's cabinet.

#### 2. FORT SUMTER :

S. W. Crawford, *Genesis of the Civil War: The Story of Sumter* (N. Y. 1887), by one of Anderson's men who allows his characters to speak for themselves; S. L. Woodward, *Story of Fort Sumter*; Hart, *Contemporaries*, IV, ch. 12, is very good; Rhodes, *History*, III, ch. 14; Channing, *History*, VI, ch. 11; F. E. Chadwick, *Causes*, chs. 12, 13, 14, 19; Stephenson, *Lincoln and Union*, 86-119; Nicolay and Hay, *Lincoln*, IV, chs. 3-5; McMaster, *History*,

VIII, ch. 97; Shotwell, *Civil War*, I, 68, 81-84; Abner Doubleday, *Reminiscences of Forts Sumter and Moultrie* (N. Y. 1882), chs. 8-11, has injured his story by a vein of personal animosity and a lack of historical sense; Alfred Roman, *General Beauregard's Military Operations in War between the States, 1861-1865* (2 vols., N. Y. 1884), I, chs. 2-4, is a narrow work which disparages the efforts of fellow officials, but should be read.

W. J. Tenney, *Military and Naval History of the Rebellion* (N. Y. 1866), chs. 3-6; Nicolay, *Outbreak of Rebellion*, ch. 5; Frederic Bancroft, *Life of William H. Seward* (2 vols., N. Y. 1900), II, chs. 28, 29; F. W. Seward, *Reminiscences of a War-Time Statesman and Diplomat, 1830-1915* (N. Y. 1916); F. W. Seward, *Seward at Washington as Senator and Secretary of State* (2 vols., N. Y. 1891); Lothrop, *Seward*, ch. 13; Nicolay and Hay, *Lincoln*, III, chs. 4, 7-11, IV, chs. 2-3; Smith, *Blair Family in Politics*, II, 4-18; Fox, *Correspondence*, I; *Diary of Gideon Welles*, I, ch. 1; Gideon Welles, *Lincoln and Seward* (N. Y. 1874), written at the suggestion of Montgomery Blair in a dispute with Charles F. Adams as to who was the greater man, Lincoln or Seward. Based on Welles's manuscript *Diary*, letters, and personal conversations, particularly with Blair. Shotwell, *Civil War*, I, ch. 10; Chisholm, "Notes on the Surrender of Fort Sumter," in *Battles and Leaders of the Civil War*, I; Geo. W. Duncan, "John A. Campbell," in *Ala. Poly. Inst. Papers*, 7-53; Montgomery Blair, "Confederate Documents Relating to Fort Sumter," in *United Service*, March 1881.

### 3. ON THE LEGAL JUSTIFICATION OF THE ACTION OF THE SOUTH :

Read J. L. M. Curry's contribution in C. A. Evans, *Confederate Military History* (12 vols., Atlanta 1899). It may be profitable to read in this same connection, A. de Gasparin, *The Uprising of a Great People* (transl. N. Y. 1862). Views of Southerners may be had from U. B. Phillips, *Robert Toombs*, not definitive; Dodd, *Jefferson Davis*, and R. M. Johnston and W. M. Browne, *Life of Alexander H. Stephens* (Phila. 1878).

## CHAPTER V : DIVISION

### 1. BORDER STATES :

McMaster, *Lincoln Administration*, chs. 2, 3, second best on subject; Shotwell, *Civil War*, I, chs. 11, 12; Rhodes, III, 383-394; E. C. Smith, *The Borderland in Civil War* (N. Y. 1927), entire; Channing, VI, ch. 13; Chadwick, *Causes*, ch. 16; Hosmer, *Appeal*, 45-53; Nicolay, *Outbreak of Rebellion*, ch. 7 (Baltimore), 10 (Missouri), 11 (Kentucky), 12 (W. Va.); Schouler, *United States*, VII, ch. 4, on Mississippi Valley; Fiske, *Mississippi Valley in Civil War*, ch. 1; D. W. Brogan, "The Origins of the American Civil War," in *History*, XV, 47-51, suggests some of the perplexities of the political and social situation that led to the war.

A. VIRGINIA : Jas. C. McGregor, *The Disruption of Virginia* (N. Y. 1922), by an author who looks upon the division of the states as unconstitutional and of no advantage to the Union War administration; Mary Newton Stanard, *Richmond Its People and Its Story* (Phila. 1923), 153-173, an interesting story for the public; John E. Cooke, *Virginia* (Boston 1903), a volume in the *American Commonwealths* series, ch. 22, brief, though reliable; Philip A. Bruce, *The Virginia Plutarch* (2 vols., Chapel Hill 1929), II, ch. 13 ("General Robert E. Lee"), a discussion of why Lee decided as he did; Charles H. Ambler, *Sectionalism in Virginia From 1776 to 1861* (Chicago 1910), ch. 10, factual, reviews the general internal political situation in an unbiased manner; Avery Craven,

Edmund Ruffin Southerner (N. Y. 1932), chs. 8, 9, life of a fire-eater; Nicolay and Hay, *Lincoln*, IV, ch. 25; Henry T. Shanks, *The Secession Movement in Virginia 1847-1861* (Richmond 1934), an objective, model study on secession; Jas. E. Walmsley, "The Change of Secession Sentiment in Virginia in 1862," in *Am. Hist. Rev.*, XXXI, 82-101.

B. MISSOURI: Eugene M. Violette, *A History of Missouri* (Boston 1918), chs. 15-18, a text for high schools, but the clearest and as impartial a treatment as is published; Lucien Carr, *Missouri* (Boston 1888), ch. 13, a volume in the *American Commonwealths* series; John McElroy, *The Struggle For Missouri* (Washington, D. C., 1909), entire, full of facts, partisan, dedicated to Union men of Missouri; Galusha Anderson, *A Border City During the Civil War* (Boston 1908), chs. 1-10, a story of merit written for the public and dedicated to those who helped save Missouri for the Union; Wm. E. Smith, *Blair Family in Politics*, II, ch. 29; Walter B. Stevens, *Lincoln and Missouri* (Columbia, Mo., 1916), a 56-page reprint containing sources and interesting narrative of Lincoln's struggle to hold Missouri in the Union; W. H. Ryle, *Missouri: Union or Secession* (Nashville 1931), a doctoral dissertation of merit and crammed with data, very well footnoted; Thos. L. Snead, *The Fight for Missouri* (N. Y. 1886), a Confederate officer's view stated with considerable impartiality. According to a letter from the author at the time of writing, he hoped to write the truth. His opinions are influenced by post-war information in spite of his determination to remember thought and action.

James Peckham, *General Nathaniel Lyon and Missouri in 1861* (N. Y. 1866), a defence and eulogy of Lyon, replete with quoted letters and description of the struggle to hold Missouri in the Union. The letters are indicative of thought and feeling in border states; the originals were later destroyed.

S. B. Harding, *Life of George R. Smith* (Sedalia 1904), written with respect for historical truth and contains letters and recollections; Nicolay and Hay, *Lincoln*, V, ch. 5; Gustave Koerner, *Memoirs of Gustave Koerner 1809-1896* (2 vols., Cedar Rapids 1909), an unprejudiced account by an Illinois German; H. A. Trexler, "Slavery in Missouri, 1804-1865," in *J. H. U. Studies*, 32nd Series, 1914, II; R. J. Rombauer, *The Union Cause in St. Louis in 1861* (St. Louis 1909), the recollections of a participant and a friend of Frank P. Blair, Jr.; Thos. J. Scharf, *History of St. Louis and County from Earliest Records to the Present Day [etc.]* (2 vols., Phila. 1883); Floyd C. Shoemaker, *A History of Missouri* (5 vols., Columbia 1922); Walter B. Stevens, *Missouri, the Center State* (4 vols., St. Louis 1914); Wm. E. and Ophia D. Smith (eds.), *Colonel A. W. Gilbert, Citizen-Soldier of Cincinnati* (Cincinnati 1934), 50-101, a diary of an outspoken officer of 39th O. V. I. in Frémont's army in Missouri; C. M. Harvey, "Missouri from 1849 to 1861," in *Mo. Hist. Rev.*, 1907, II; S. B. Laughlin, "Missouri Politics During the Civil War," in *Mo. Hist. Rev.*, 1929, XXIII; R. A. Marshall, "When Missouri Went into the War," in *Confed. Vet.*, XXVIII, 18-19; D. Y. Thomas, "Missouri in the Confederacy," in *Mo. Hist. Rev.*, April 1924, 382-391; William Bell, "Camp Jackson Prisoners," in *Confed. Vet.*, XXXI, 260-261.

C. MARYLAND: Matthew Page Andrews, *History of Maryland* (Garden City 1929), ch. 11, is undoubtedly the ablest general treatment thus far produced; Steiner, *Life of Henry Winter Davis*, chs. 7, 8; G. L. Radcliffe, "Gov. Hicks of Maryland and the Civil War," in *J. H. U. Studies*, in 19th Series, 515-635.

D. KENTUCKY: A brief account of Kentucky's position, inadequate though it be, is N. S. Shaler, *Kentucky A Pioneer Commonwealth* in H. E. Scudder's *American Commonwealths* series, ch. 15; Lewis Collins, *History of Kentucky*

(2 vols., revised by R. H. Collins, Covington 1874), I, 333-349; McElroy, *Kentucky in the Nation's History* (N. Y. 1909); E. M. Coulter, *The Civil War and Readjustment in Kentucky* (Chapel Hill 1926), chs. 1-7, the most comprehensive, the keenest analysis, and soundest judgment on most points of Kentucky Civil War literature; Judge Charles Kerr (ed.), *History of Kentucky* (5 vols., Chicago 1922), I, chs. 60, 61, written for popular consumption, but quite reliable in narration; A. B. Hulbert, *Soil Its Influence on the History of the United States* (New Haven 1930), ch. 20, is delightfully written and very useful on basic conditions; W. P. Shortridge, "Kentucky Neutrality in 1861," in *Miss. Valley Hist. Rev.*, IX, 283-310.

E. TENNESSEE: Oliver P. Temple, *East Tennessee and the Civil War* (Cincinnati 1899), entire, a detailed narrative; Nicolay and Hay, *Lincoln*, V, chs. 3-4; Mrs. A. R. Dodson, "Tennessee in the Confederate Congress," in *Confed. Vet.*, XXXV, 424-425.

## CHAPTER VI: THE CONTESTANTS

### 1. TRANSPORTATION:

C. W. Ramsdell, "The Confederate Government and the Railroads," in *Am. Hist. Rev.*, XXII, 794-810; Rhodes, *Hist. of the Civil War* (N. Y. 1917), 370-374; Channing, *History*, 379-381, 392-394, on railroads; G. A. Barringer, *The Influence of Railroad Transportation on the Civil War* (Bloomington, Ind., 1926); Jno. W. Starr, *Lincoln and the Railroads* (N. Y. 1927); S. Cameron, *Railroad Management during the Civil War*; Eva Swantner, "Military Railroads During the Civil War," in *Military Engineer*, XXII; R. E. Riegel, "Federal Operation of Southern Railroads during the Civil War," in *Miss. Valley Hist. Rev.*, IX, 126-138; Francis B. C. Bradlee, *Blockade Running During the Civil War and the Effect of Land and Water Transportation on the Confederacy* (Salem, Mass., 1925), includes a good chapter on Confederate railroads, one on telegraphs, and one on the Southern Express Company.

### 2. THE CONFEDERATE HOSTS:

Broadus Mitchell, "The Rise of the Cotton Mills in the South," in *J. H. U. Studies*, 39th Series, II; A. B. Moore, *Conscription and Conflict in the Confederacy* (N. Y. 1924); Robinson, *Confederate Privateers*.

For those who would dig out the information the *Official War Records* are a mine of information of this nature; Arthur H. Jennings, "Confederate Forces in the Civil War," in *Current History*, XX, 113-115; Freeman H. Hart, "Numerical Strength in the Confederate Army," in *Current History*, XXV, 91-96; R. D. Steuart, "How Johnny got his Gun," in *Confed. Vet.*, XXXII, 166-169, and XXXV, 250-253; Thos. R. Hay, "The South and the Arming of the Slaves," *Miss. Valley Hist. Rev.*, VI, 34-73; F. A. Shannon, *The Organization and Administration of the Union Army* (2 vols., Cleveland 1928), a Pulitzer prize work of the highest value to a study of the contestants; McMaster, *History*, VIII, chs. 8, 14, 17, 19, 23; Carman, *Social and Economic History*, II, 520-576; Shannon, *Ec. History*, ch. 17; Shotwell, *Civil War*, II, ch. 37; Hosmer, *Appeal to Arms*, chs. 3, 5; *The Outcome*, chs. 1, 4, 15, 16; Rhodes, *History*, III, 543-578; Adams, *Tragedy*, 237-241, ch. 8; Cole, *Irrepressible Conflict*, chs. 12, 13, footnotes particularly valuable for references, see them for detailed points; Stephenson, *Day of Confederacy*, ch. 2; *Lincoln and Union*, chs. 7, 10, 11; J. H. Russell, *My Diary North and South* (Boston 1863), observations of an English traveler in America at the opening of the war, much quoted by American historians, possibly too much; Frank L. Owsley,

"The Confederacy and King Cotton: A Study in Economic Coercion," *N. C. Hist. Rev.*, VI, 371-397; C. B. Hite, "Size of the Confederate Army," in *Current History*, XVIII, 251-253; A. B. Casselman, "Numerical Strength of the Confederate Army," *Century*, XLIII; "How Large Was the Confederate Army," *Current History*, XVII, 653-657; Kathleen Bruce, "Economic Factors in the Manufacture of Confederate Ordnance," in *Army Ordnance*, VI, 168-170; Pierce Butler, *Judah P. Benjamin* (Phila. 1906), treasurer in the Davis cabinet; R. J. Walker, *American Slavery and Finances* (London 1864); J. H. Browne, *Four Years in Secessia* (Hartford 1865); R. H. McKim, *The Numerical Strength of the Confederate Army* (N. Y. 1912); the title is sufficient explanation as to the nature of E. D. Fite, *Social and Industrial Conditions in the North during the Civil War* (N. Y. 1910); T. L. Livermore, *Numbers and Losses in the Civil War in America, 1861-1865* (Boston 1901); Dicey, *Six Months in the Federal States*. See a biography of Chase, Fessenden, Stevens, or Trumbull, as well as Nicolay and Hay, *Lincoln, and Works*. J. B. Jones, *A Rebel War Clerk's Diary* (2 vols., Phila. 1866), a day by day diary of a Confederate clerk in Richmond who recorded what may be found in the newspapers. He was not on the "inside"; Kathleen Bruce, *Virginia Iron Manufacture in the Slave Era* (N. Y. 1931).

The working of the Confederate Congress may be understood better by reading the proceedings of the Congress of the Confederate States as published in *Southern Historical Papers* (Richmond), VIII, IX, covering the sessions Sept. 1, 1862, to Jan. 28, 1863.

Difficulties which beset the Southern Confederacy over state rights are explained in F. L. Owsley, *State Rights and the Downfall of the Confederacy*.

### 3. JEFFERSON DAVIS :

Of the many works on Jefferson Davis, possibly William E. Dodd, *Jefferson Davis* (Phila. 1907), is the most satisfactory, but it is sometimes too sympathetic. The same author has a fine summary of Davis (171-239) in *Statesmen of the Old South* (N. Y. 1911). Other works are Mrs. Varina Davis, *Jefferson Davis, ex-President of the Confederate States: A Memoir* (2 vols., N. Y. 1890); Oliver Dyer, *Personal Recollections of Jefferson Davis* (N. Y. 1889); E. A. Pollard, *Life of Jefferson Davis* (Phila. 1869); F. A. Alfried, *Life of Jefferson Davis* (Cincinnati 1868), written too close to the scene of war to be accurate in judgment; Elizabeth Cutting, *Jefferson Davis Political Soldier* (N. Y. 1930).

## CHAPTER VII : DIPLOMACY

### I. RELATIONS BETWEEN NORTH AND SOUTH AND EUROPE :

E. D. Adams, *Great Britain and the American Civil War* (2 vols., 1931), scholarly, and the best on this particular subject; Hosmer, *The American Civil War* (1913) I, ch. 20, treats the subject from 1861 to 1863; Hosmer, *Outcome of Civil War*, ch. 10, brings it to a close; Stephenson, *Lincoln and the Union*, chs. 8, 12; McMaster, *Lincoln Administration*, chs. 5, 6, 7, 208-211, chs. 12, 13, 15, 22; Rhodes, *History*, III, 502-543; IV, ch. 22; Jordan and Pratt, *Europe and the American Civil War*; West, *Contemporary French Opinion on the American Civil War* (Baltimore 1924); Thomas, *Russo-American Relations, 1815-1867* (N. Y. 1930); Bonham, *The British Consuls in the Confederacy* (N. Y. 1911); Schouler, *History*, VII, ch. 1, sec. 6, 13; ch. 2, sec. 6; Channing, *History*, VI, ch. 12; Stephenson, *Lincoln and Union*,



ch. 9; same, *Day of the Confederacy*, chs. 3, 8; P. F. Martin, *Maximilian in Mexico* (N. Y. 1913); J. D. Bulloch, *Secret Service of the Confederate States*.

Very usable brief accounts of diplomacy are: C. R. Fish, *American Diplomacy* (N. Y. 1923, revised), chs. 22-24; John H. Latane, *A History of American Foreign Policy* (N. Y. 1927), chs. 15-18; J. W. Foster, *A Century of Diplomacy* (Boston 1902), ch. 10; J. R. Soley, *Blockade and the Cruisers* (N. Y. 1898); S. F. Bemis (ed.), *The American Secretaries of State and Their Diplomacy* (10 vols., N. Y. 1927-1929); B. Villiers and W. H. Chesson, *Anglo-American Relations 1861-1865* (London 1919), John R. Russell, 1st Earl, *The Correspondence of Lord John Russell, 1840-1878* (2 vols., London 1925); T. L. Harris, *America and England, 1861* (Baldwin City, Kansas, Thesis, 1928).

Civil War diplomacy and foreign relations may be found in tedious chronological order intermixed with other events in Thorpe, *The Civil War and the National View*; Cole, *The Irrepressible Conflict 1850-1865* hardly recognizes foreign relations; nor does Shotwell, in his *American Civil War*; scattering pages may be found in Adams, *America's Tragedy*.

J. M. Callahan, *Diplomatic History of the Southern Confederacy* should be read entire. See also S. S. Cox, *Three Decades*, chs. 13, 14, and his *South in the Building of the Nation*, IV, 525-543; *The Cambridge Modern History*, XII, ch. 2. Of special value is Owsley, *King Cotton and Diplomacy* (Chicago 1931). Add to these such biographical works containing one or more chapters on diplomacy or foreign relations as C. F. Adams, *Charles Francis Adams* (N. Y. 1900), chs. 10-13, 17, one of our first-rate diplomats; John Bigelow, *Retrospections of an Active Life* (5 vols., N. Y. 1908), our ambassador to France; T. W. Barnes, *Memoir of Thurlow Weed* (Boston 1884), 348-417, for Weed's reflections on his trip abroad; F. W. Seward, *Seward at Washington as Senator and Secretary of State*; the franker work by Frederic Bancroft, *Life of William H. Seward*; the brief T. K. Lothrop, *William H. Seward*, in *American Statesmen* series; Seward, *The Diplomatic History of the War for the Union* (vol. V of the *Works of William H. Seward*, edited by G. E. Baker). A biography as a result of thorough study and use of all the Seward papers remains undone. L. M. Sears, *John Slidell* (Durham 1925), an impartial biography; Virginia Mason, *James M. Mason* (1903), chs. 7-20; Gideon Welles, *Lincoln and Seward*, and his *Diary*; John M. Forbes, *Letters and Recollections* (Boston 1899), II, chs. 14, 15; Carl Schurz, *Reminiscences*, II, 276-326; Storey, *Summer*, ch. 15.

T. L. Harris, *The Trent Affair* (Indianapolis 1896), is a careful summary of that event.

A standard and indispensable compilation is William M. Mallory, *Treaties, Conventions, International Acts, Protocols and Agreements between the United States and other Powers* (2 vols., Washington 1910); John Bassett Moore, *Digest of International Law as embodied . . . especially in Documents . . . of the United States* (Washington 1887); F. M. Wharton, *Digest of International Law of United States* (Washington 1906); *Papers Relating to Foreign Affairs* for the years 1861-1864; *Senate Executive Documents*, and *House Executive Documents*; *Diplomatic Correspondence of the United States* for the years 1861-1870; Richardson's *Messages and Papers*, VI, and for the *Confederacy*, II; *British and Foreign State Papers*, LV; *American Annual Cyclopedica*, 1861-1865; and *Staatsarchiv* I-V; Theo. Woolsey, *International Law* (N. Y. 1891); Henry Wheaton, *Elements of International Law*; Montague Bernard, *Historical Account of the Neutrality of Great Britain* (N. Y. 1870);

John Bigelow, *France and the Confederate Navy* (N. Y. 1888); Travers Twiss, *Law of Nations in Time of War*, chs. 6, 10-12.

From the British point of view see John Bright, *Speeches on the American Question* (N. Y. 1879). The intellectual Goldwin Smith maintains in *Atlantic Monthly*, vol. 89, March 1902, that England was justified in her attitude toward the U. S. in 1861; James P. Baxter, "Some British Opinion as to Neutral Rights 1861-1865," in *Am. Jour. Int. Law*, XVIII, 517-537; A. C. Wilgus, "Some Typical London Times Views of the Southern Confederacy," *Tyler's Quar. Hist. and Gen. Mag.*, VII, 169-175; Leo F. Stock, "Catholic Participation in the Diplomacy of the Southern Confederacy," in *Cath. Hist. Rev.*, XVI, 1-18, an account of how Father Bannon of St. Louis and Bishop Lynch of Charleston tried to win the sympathy of Ireland for the South; Lord Newton, *Lord Lyons* (2 vols., N. Y. 1913); John Morley, *Life of William Ewart Gladstone* (3 vols., N. Y. 1912); Walpole, *Life of Lord John Russell* (2 vols., London 1889); Maxwell, *Life and Letters of the Earl of Clarendon* (N. Y. 1913).

On Russian-American relations, see E. A. Adamov, "Russia and the United States at the time of the Civil War," in *Jour. Mod. Hist.*, II, 586-602; same, "Documents Relating to Russian Policy during the American Civil War"; same, 603-611. Another view is presented by J. E. Pratt, "Spanish Opinion of the North American Civil War," in *Hisp. Am. Hist. Rev.*, X, 14-25, based on six leading Spanish newspapers. John H. Kiger has published an article on "Federal Government Propaganda in Great Britain during the Civil War," in *Hist. Outlook*, XIX, 204-209.

#### CHAPTER VIII: THE ANACONDA AND THE UNICORN

Hosmer, *The Outcome*, ch. 10; Channing, *History*, VI, ch. 16; Rhodes, *History*, III, 609-614, IV, parts of ch. 17, and scattered pages in other chapters. On blockade running, Rhodes, IV, 396-403. Shotwell, *Civil War*, II, chs. 38, 54; Wood, *Captains of the Civil War*, chs. 3, 4, 9, readable, accurate; E. D. Adams, *Great Britain and the American Civil War* is by far the best on this subject, scholarly, unbiased, accurate, readable.

On the Confederate navy turn to John Bigelow, *France and the Confederate Navy* (N. Y. 1888); E. S. Maclay, *History of the United States Navy from 1775-1902* (2 vols., N. Y. 1902); A. T. Mahan, *The Gulf and Inland Waters* and F. M. Bennet, *The Monitor and the Navy under Steam* (Boston 1900) are useful little books. *The Confidential Correspondence of Gustavus Vasa Fox* should certainly be used by student and researcher. On monitors is a 120-page report in *Report of the Joint Committee on the Conduct of the War* for 1865, vol. III. In a compendious volume of double-columned pages Admiral D. Porter published about as reliable as any work on the navy, *Incidents and Anecdotes of the Civil War* (N. Y. 1886). For excellent colored pictures see C. B. Boynton, *History of the Navy during the Rebellion* (2 vols., N. Y. 1868). In his usual meticulous detail, J. T. Scharf sets forth the exploits of the Confederate navy in his *History of the Confederate States Navy* (N. Y. 1894). The official reports of the Secretary of the Navy and reports to committees in Congress supply valuable information on types of vessels, costs, and reasons for the loss of engagements. For this same general type of information see the volumes of the *Official Records of the Union and Confederate Navies*; F. B. C. Bradlee, *Blockade Running during the Civil War and the Effect of Land and Water Transportation on the Confederacy* (Salem,

Mass., 1925). The Northern navy was perforce involved in the cotton trade blockade. Sellow Roberts, "The Federal Government and Confederate Cotton," in *Am. Hist. Rev.*, XXXII, 262-275, points out the double policy of the federal government; Wm. M. Robinson, *The Confederate Privateers* (New Haven 1928); Sellow Roberts, "High Prices and the Blockade in the Confederacy," in *South Atlantic Quarterly*, XXIV, 154-163; R. D. Steuart, "The Long Arm of the Confederacy," in *Confed. Vet.*, XXXV, 250-253, on how the Confederacy got its cannon.

For special accounts the following may prove useful: Roberts [Hobart-Hampden] *Never Caught* (N. Y. 1908); James D. Bulloch, *Secret Service of the Confederate States in Europe* (2 vols., Boston 1883); Raphael Semmes, *Service Afloat* (Baltimore 1869), a story of the destruction of American commerce by the captain of the *Alabama*; John Wilkinson, *Narrative of a Blockade Runner* (1887); H. W. Wilson, *Iron-clads in Action* (2 vols., Boston 1896), and C. E. Hunt, *The Shenandoah* (N. Y. 1910).

#### BIOGRAPHICAL :

A. T. Mahan has given his *Farragut* (N. Y. 1892), one of the best in the *Commander* series, and there is Loyall Farragut, *David G. Farragut* (N. Y. 1879); J. M. Hoppin, *Life of Admiral Foote* (N. Y. 1874), is well worth reading, although the religious, frank, opinionated, satellite of Chase was not equal to Farragut in war prowess; Gideon Welles, *Diary*, needs no further comment on its value.

#### CHAPTER IX: THE GATHERING OF THE CLANS

One of the most usable, accurate, and unbiased is Hosmer, *Appeal to Arms*, chs. 2, 3, 5; Shannon, *Organization of the Union Army*, I; Rhodes, *History*, III, ch. 15; Channing, *History*, VI, 287-294, 398-436; Shotwell, *Civil War*, I, chs. 11, 30; Stephenson, *Lincoln and Union*, ch. 9; Carman, *Soc. and Ec. Hist.* II, 537-549; Wood, *Captains of the Civil War*, ch. 2, entitled "The Combatants," is one of the best for the general reader; C. C. Anderson, *Fighting by Southern Federals* (N. Y. 1912), describes the assistance given the North by Southern Unionist soldiers; Hart, *Contemporaries*, IV, ch. 18; M. A. De Wolfe Howe (ed.), *Marching With Sherman* (Letters of Henry Hitchcock, New Haven 1930); F. L. Huidekoper, *The Military Unpreparedness of the United States* (N. Y. 1930); and the special study of military problems of the Confederacy are discussed in A. H. Mency, *The War Department: 1861* (N. Y. 1928), a *Columbia University Study*, No. 300; J. D. Hicks, "Organization of the Volunteer Army in 1861 with Special Reference to Minnesota," in *Minn. Hist. Bul.*, Feb. 1918, 324-368; W. S. Moore, "The Rush to Arms in 1861," in *Annals of Iowa*, I; A. B. Casselman, "The Numerical Strength of the Confederate Army," the *Century Magazine*, Mar. 1892, *Cr. Hist.*, Jan. 1923, and the reply, *Cr. Hist.*, April 1924; F. H. Hart, "Numerical Strength of the Confederate Army," in *Cr. Hist.*, XXV, Oct. 1926, and A. H. Jennings, "Confederate Forces in the Civil War," *Cr. Hist.*, XX, 113-115; G. P. Thurston's article on "Numbers and Rosters of the Two Armies," was published in the *Olympian Mag.*, Nashville, Tenn., Nov. 1903. These articles should be read in conjunction with R. H. McKim's *The Numerical Strength of the Confederate Army* (N. Y. 1912); F. A. Shannon, "The Mercenary Factor in the Creation of the Union Army," in *Miss. Valley Hist. Rev.*, XII, 523-549, on bounties and substitutes; R. D. Steuart, "How Johnny Got

his Gun," in *Confed. Vet.*, XXXII, 166-169; Thos. R. Hay, "The South and the Arming of the Slaves," *Miss. Valley Hist. Rev.*, VI, 34-73; A. B. Moore, *Conscription and Conflict in the Confederacy* (N. Y. 1924) and J. C. Schwab, *The Confederate States of America: A Financial and Industrial History* (N. Y. 1901).

#### BIOGRAPHICAL :

On General P. G. T. Beauregard read Alfred Roman, *General Beauregard 1861-1865* (2 vols., N. Y. 1883), an exhaustive study. The best work on General Ulysses Grant is his *Personal Memoirs of U. S. Grant*, "one of the most remarkable works of its kind," wrote Professor Channing; others by Coolidge, Dana, Wilson, Church, Brooks, Garland, Minnegerode, Bedeau, W. B. Hesseltine (N. Y. 1935). The best of the Grant biographies are Hesseltine and Coolidge, but Minnegerode's is delightfully interesting. A useful article is Anna M. Green, "Civil War Public Opinion of General Grant," in *Ill. State Soc. Journ.*, XXII, April, 1-6; J. F. C. Fuller has a comparatively new book, entitled *The Generalship of Ulysses S. Grant* (London 1929); Lytle Brown, "U. S. Grant - An Example of Leadership," in *Military Engineer*, XX, 502-511.

General Joseph E. Johnston tells his own story in his *Narrative of Military Operations*, and reveals some of himself - one of the ablest generals of the war. For another view of Johnston, read R. M. Hughes, *General Johnston* (N. Y. 1893) and B. T. Johnson, *Johnston* (1891). A. P. James has an article and a thesis abstract that should be included in a bibliography on the Civil War: the first, "General Joseph E. Johnston Storm Center of the Confederate Army," in *Miss. Valley Hist. Rev.*, XIV, 342-359, and the second, "Jefferson Davis and His Generals: A Study in the Breakdown of Unity of Command in the Confederacy," in Chicago U. *Humanistic series*, III, 191-198.

General Lee left no autobiography or memoir, unfortunately, but there is *Recollections and Letters of General Robert E. Lee by his Son, Captain Robert E. Lee* (N. Y. 1904), largely of letters to his family that throw light on his thought and character; also, there is *Lee's Dispatches* by W. J. de Renne of Wormsloe, Georgia, (1915); the adequate and most outstanding biography of Lee is Douglas S. Freeman, *R. E. Lee* (4 vols., N. Y. 1935). Two other readable volumes were written by J. E. Cooke and T. N. Page. That of A. L. Long, *Memoirs of Robert E. Lee* (Boston 1899), J. W. Jones, *Personal Reminiscences of Gen. Robert E. Lee* (N. Y. 1875), and Fitzhugh Lee, *General Lee* (Great Commander series, N. Y. 1894); *Robert E. Lee, the Soldier* (Boston 1925), may be added to the list. Wm. E. Dodd, *Lincoln or Lee, Comparison and Contrast of the two Greatest Leaders in the War Between the States* (N. Y. 1928), is an interesting little book by a Southerner for many years a resident in a Northern university.

General W. T. Sherman has left us his *Personal Memoirs* (2 vols., 2nd ed., N. Y. 1886) which he wrote with the aid of documents, letters, and newspapers. Some of it aroused bitter controversial discussion upon its appearance. Professor Hosmer described it as "brusque, straightforward . . . concealing nothing." In the *Great Commander series* is M. E. Force, *General Sherman* (N. Y. 1899), and only recently came the lighter-veined Lewis Lloyd, *Sherman, Fighting Prophet* (N. Y. 1932); B. H. Hart in his *Sherman, Soldier Realist, American* (N. Y. 1929) claims Sherman to have been the most original genius of the war. Gamaliel Bradford, *Confederate Portraits* (Boston 1914) are unexcelled brief character sketches by one who was thoroughly familiar with the *Official Records*, probably more than any other author.

## CHAPTER X: THE CRASH OF BATTLE

For extensive reading, profitable to student and layman, Hosmer, *Appeal to Arms*, chs. 4, 6-7, 9-13, 15-19; *The Outcome*, chs. 2-3, 5-7, 11-12, 14, 17; chs. 18 and 19 in *Appeal to Arms* are on Gettysburg and Vicksburg, respectively. Hart, *Contemporaries*, IV, chs. 15, 16, 19, 20, 22, pp. 221-224; Channing, *History*, VI, chs. 14, 15, 18; T. A. Dodge, *A Bird's Eye View of the Civil War* (Boston 1897); Rhodes, *History*, III, ch. 16; all of vol. IV (1913) and V, chs. 24, 25; Shotwell, *Civil War*, I, chs. 13-24, 26-29, II, 32-36, 39-41, 43-45, 47-50, 52-53, 55; Wood, *Captains of the Civil War*, chs. 6, 7, 8, 10, 11, 12, ch. 7 being on Vicksburg, ch. 8 on Gettysburg; Adams, *America's Tragedy*, chs. 6-9; J. B. Young, *The Battle of Gettysburg* (N. Y. 1913), also F. A. Haskell, *Battle of Gettysburg* (Madison 1908).

The diaries and letters of Bates, Chase, and Welles are available in published form. De Alva Stanwood Alexander, *A Political History of the State of New York* (2 vols., N. Y. 1906) is of more than state interest. Histories of the various states have valuable chapters on the Civil War, giving particular attention to the part played by the states. Among many see Esary's *Indiana*, Shoemaker's *Missouri*, Scharf's *Maryland*, McElroy, *Kentucky*, Phelan, *Tennessee*, E. H. Roseboom and F. P. Weisenburger, *History of Ohio* (N. Y. 1934) a clear summary, and Randall and Ryan's *Ohio*.

Noah Brooks, *Washington in Lincoln's Time* (N. Y. 1895) is delightful reading. E. A. Pollard, *The Lost Cause*; W. B. Hesseltine, *Civil War Prisons - A Study in War Psychology* (Columbus, Ohio, 1930), clear, searching, an honest work; J. S. Pike, *First Blows of the Civil War* (N. Y. 1879); Sarah A. Putnam, *Richmond during the War* (N. Y. 1867). One of the best books on the war is Colonel T. L. Livermore, *Days and Events, 1860-1866*, practically original material. In the same class is Col. Theo. Lyman's letters to his wife (1863-1864), Geo. R. Agassiz (ed.), entitled *Meade's Headquarters Letters from the Wilderness to Appomattox* (Boston 1922).

On the part played by the negro, see T. W. Higginson, *Army Life in a Black Regiment* (Boston 1862); M. G. McDougal, *Fugitive Slaves (1619-1865)* (Boston 1891); G. W. Williams, *History of Negro Troops in the War of the Rebellion* (N. Y. 1888); Henry Wilson, *Rise and Fall of the Slave Power in America*.

No history of the Civil War is complete without considerable attention paid to the work of the women behind the lines. On this subject there are among others the worthy Brockett and Vaughan, *Woman's Work in the Civil War* (Boston 1867) and Underwood, *The Women of the Confederacy* (N. Y. 1906); Francis Tiffany, *Life of Dorothea Lynde Dix* (Boston 1890), 336-341. Women played an important role in the work of the U. S. Sanitary Commission, raising funds and supplies for the soldiers; for a narrative of the work of this important commission see Stille, *History of the United States Sanitary Commission* (Phila. 1866).

Behind-the-lines social relief is described in C. R. Fish's article, "Social relief in the Northwest during the Civil War," *Am. Hist. Rev.*, XXII, 309-324; Evelyn Lundegren, "Social Relief Work in New England During the Civil War" (Worcester, Clark U. Abstract, 1930); John M. Palmer, "President Lincoln's War Problem," in *Ill. State Hist. Soc. Journ.*, 1927, 41-53, is concerned with Lincoln's military policy; in this same connection in the same publication is J. T. Dorris, "President Lincoln's Clemency," 1928, 547-568; see, also, C. R. Ballard, *The Military Genius of Abraham Lincoln; an Essay*

(London 1926) and J. T. Dorris, *Pardon and Amnesty During the Civil War and Reconstruction* (Urbana, thesis abstract, 23pp., 1926).

For some special subjects see N. W. Stephenson, "Lincoln and the Progress of Nationality in the North," in *Am. Hist. Rev.*, I (1919), 351-363; I. J. Phillipson, "General McClellan's Intentions on 25 June, 1862," in *Coast Artillery Journal*, LXV, 311-323; H. G. Pearson, "Lincoln's Method of Ending the Civil War," in *Mass. Hist. Soc. Proc.*, LIX, 238-250; A. P. James, "The Strategy of Concentration of the Confederate Forces in the Mississippi Valley in the Spring of 1862," in *Am. Hist. Asso. Report for 1919*, I, 365-374; Charles Kassell, "Opening the Mississippi—A Civil War Drama," in *Open Court*, XV, (Mass.) 1926, 145-154; Sir Frederick Maurice, *Governments and War; A Study of the Conduct of War* (London 1926), for Davis and J. E. Johnston, Davis and Lee, Lincoln and McClellan, and Lincoln and Grant; A. B. Warfield, "The Quartermaster's Department, 1861-1864," in *Quartermaster Review*, VIII, 43-46, a story of the commissary; Thos. G. Frothingham, "The Crisis of the Civil War—Antietam," in *Mass. Hist. Soc. Proc.*, LVI, 173-208.

#### BIOGRAPHICAL :

Some of the very best are works by or on Lincoln, Grant, Lee, Sherman, Johnston, and Geo. B. McClellan. *McClellan's Own Story* (N. Y. 1887); G. S. Hillard, *Life and Campaign of G. B. McClellan* (Phila. 1865), not critical; F. A. Walker, *General Hancock* (N. Y. 1894), a story of an able officer by an able writer; R. M. Bache, *Life of General George Gordon Meade* (Phila. 1897), a biography of a faithful soldier who deserves more recognition, and I. R. Pennycracker, *General Meade* (N. Y. 1901), in the *Commander* series; a different opinion from that expressed on many questions of war by many first-rate officers is had in the teacher-general, John M. Schofield, *Forty-six Years in the Army* (N. Y. 1897); better still, is Philip R. Sheridan, *Personal Memoirs* (2 vols., 1902), a direct, candid story simply told; of lesser value, H. E. Davies, *General Sheridan* (N. Y. 1895), in *Commander* series; in addition to these should be mentioned M. J. Wright, *General Scott* (N. Y. 1894) of the same series; for an enjoyable story by a literary man and soldier, read the interesting Lew Wallace, *An Autobiography* (2 vols., N. Y. 1906); on the blundering but sincere General Burnside, there is B. P. Poore, *Ambrose E. Burnside* (Providence 1882), and for materials on the notorious General Benj. Butler, turn to *Butler's Book* (Boston 1892) which is a racy story of his own ego; J. D. Cox, *Military Reminiscences* (2 vols., N. Y., 1900) is reliable where not colored by political opinion; Donn Piatt and T. B. Van Horne, *General George H. Thomas: A Critical Biography* (Cincinnati 1893) was written while the merits of favorite generals were subjects for debate. The last chapters of this volume were written by H. V. Boynton. For further reference on Thomas as a soldier turn to Henry Coppée, *General Thomas* (N. Y. 1893), in *Commander* series; others are G. F. Dawson, *Life and Services of Gen. John A. Logan* (Chicago 1907); R. L. Dabney, *Life and Campaigns of General T. J. Jackson* (2 vols., New Orleans 1866); G. F. R. Henderson, *Stonewall Jackson and the American Civil War* (2 vols., N. Y. 1898); M. M. Quaife (ed.), *Absalom Grimes, Confederate Mail Runner*, edited from *Captain Grimes' Own Story* (New Haven 1926) should be listed here.

Too much attention was once focused on the military side of the history of wars. The civilians have for many years been receiving an increasing amount of attention. In this particular case read appropriate chapters in such works

as A. B. Hart, *Salmon Portland Chase* (N. Y. 1899), J. W. Schuckers, *Life and Public Services of Salmon P. Chase* (Cincinnati 1874); D. V. Smith, *Chase and Civil War Politics*, best for this subject; R. B. Warden, *Account of the Private Life and Public Services of Salmon Portland Chase* (Cincinnati 1874); Zachariah Chandler, *An Outline Sketch of His Life and Public Services* (Detroit 1880); Moorfield Storey, *Charles Sumner* (N. Y. 1900); A. H. Grimke, *Life of Charles Sumner the Scholar in Politics* (N. Y. 1872); G. H. Haynes, *Charles Sumner* (Phila. 1909); E. L. Pierce, *Memoir and Letters of Charles Sumner* (4 vols., Boston 1877-1893); W. E. Smith, *The Blair Family in Politics*, II; biographies of Seward cited elsewhere; H. G. Pearson, *Life of John A. Andrew* (2 vols., Boston 1904); W. C. Beecher and S. Scoville, *Biography of Rev. Henry Ward Beecher* (N. Y. 1888); Paxton Hibben, *Henry Ward Beecher An American Portrait* (N. Y. 1927); D. S. Muzzey, *Blaine* (N. Y. 1934), a Pulitzer prize biography; E. Stanwood, *James Gillespie Blaine* (Boston 1905); A. V. G. Allen, *Life and Letters of Phillips Brooks* (2 vols., N. Y. 1900); same, *Phillips Brooks, 1835-1893: Memories of his Life, with Extracts from his Letters and Note Books* (N. Y. 1907); Parke Godwin, *A Biography of William Cullen Bryant* (N. Y. 1883); L. D. Ingersoll, *The Life of Horace Greeley, Founder of the New York Tribune* (Chicago 1873); O. J. Hollister, *Life of Schuyler Colfax* (N. Y. 1886); E. P. Oberholtzer, *Jay Cooke*; A. M. Coleman, *Life of John J. Crittenden*; Edward Cary, *George William Curtis* (Boston 1894); Claude M. Fuess, *The Life of Caleb Cushing* (2 vols., N. Y. 1923), II; biographies of Jefferson Davis by Alfried, Dodd, Cutting, Dyer, Varina Davis, Rowland, Pollard; Francis Tiffany, *Life of Dorothea Lynde Dix* (Boston 1890); M. Dix, *Memoirs of John A. Dix* (2 vols., N. Y. 1883); J. E. Cabot, *Memoir of Ralph Waldo Emerson* (2 vols., Boston 1887); Francis Fessenden, *Life and Public Services of William Pitt Fessenden* (2 vols., Boston 1907); Henry M. Field, *Life of David Dudley Field* (N. Y. 1898); F. J. and W. P. Garrison, *William Lloyd Garrison: The Story of his Life told by his Children* (4 vols., N. Y. 1885-1889), and others on Garrison by Grimke, Johnson; W. O. Stoddard, *Life of James A. Garfield* (N. Y. 1889); Grace Julian Clarke, *George W. Julian* (Indianapolis 1923); G. W. Julian, *Recollections, 1840-1872* (Chicago 1884); W. A. Linn, *Horace Greeley* (N. Y. 1903); Edward Mayes, *Life, Times, and Speeches of Lucius Q. Lamar* (Nashville 1896); Thos. S. Perry (ed.), *Life and Letters of Francis Lieber* (Boston 1882).

On Lincoln are biographies or reminiscences which most good libraries have on their shelves, such as those of Nicolay and Hay, Charnwood, Morse, Chittenden, Raymond, Tarbell, Herndon and Weiks, Lamon, Schurz, Rice, Rothschild, Hapgood, Arnold, Holden, and Brown.

E. E. Hale, Jr., *James Russell Lowell* (Boston 1899), the reader should bear in mind that biographies of most poets of the Civil War period are meagre in information on the war; W. S. Kennedy, *John Greenleaf Whittier the Poet of Freedom* (N. Y. 1892); Henry D. Capers, *Life and Times of C. G. Memminger* (Richmond 1893); A. K. McClure, *Colonel Alexander McClure's Recollections of Half a Century* (Salem, Mass., 1902); F. Bancroft, *Speeches, Correspondence and Political Papers of Carl Schurz* (6 vols., N. Y. 1913); F. Bancroft and A. Dunning, *The Reminiscences of Carl Schurz* (3 vols., Garden City 1908); W. D. Foulke, *Life of Oliver P. Morton* (2 vols., Boston 1879), very important in Indiana politics; O. W. Holmes, *John Lothrop Motley: A Memoir* (Boston 1879); John Sherman, *Recollections of Forty Years [etc.]* (2 vols., Chicago 1895), especially for financial problems of the North; George C. Gorham, *Life and Public Services of Edwin M. Stanton* (2 vols., Boston

1899); H. Wilson and J. S. Black, *A Contribution to History: Edwin M. Stanton* (Easton, Pa., 1871); F. A. Flower, *Edwin McMasters Stanton, the Autocrat [etc.]* (Akron, Ohio, 1905); Henry Cleveland, *Alexander H. Stephens in Public and Private* (Phila. 1866); Louis Pendleton, *Alexander H. Stephens* (Phila. 1907); J. A. Woodburn, *Life of Thaddeus Stevens* (Indianapolis 1913); E. B. Callender, *Thaddeus Stevens, Commoner* (Boston 1882). S. W. McCall, *Thaddeus Stevens* (Boston 1900); John Bigelow, *Life of Samuel J. Tilden* (2 vols., N. Y. 1895); P. A. Stovall, *Robert Toombs, [etc.]* (N. Y. 1892); J. L. Vollandigham, *Life of Clement J. Vollandigham* (Baltimore 1872); A. G. Riddle, *Life of Benjamin F. Wade* (Cleveland 1886), of the Wade-Davis Bill; John W. DuBose, *Life and Times of William Lowndes Yancey* (Birmingham 1892); Joseph Hodgson, *The Cradle of the Confederacy: or the Times of Troup, Quitman, and Yancey* (Mobile 1876); P. S. Flip-pin, *Herschel V. Johnson of Georgia* (Richmond 1931); John W. Forney, *Anecdotes of Public Men* (2 vols., N. Y. 1873), interesting sidelights; J. M. Forbes, *Reminiscences of John Murray Forbes* (3 vols., Boston 1902), and *Letters of John Murray Forbes* (3 vols., Boston 1905); S. F. Hughes, *Letters and Recollections of John Murray Forbes* (Boston 1899); T. C. Smith, *Life and Letters of James Abram Garfield* (2 vols., New Haven 1925); C. E. McCartney, *Lincoln and His Generals* (Phila. 1925), is biographical and includes sketches of Lincoln, Scott, Frémont, Butler, McClellan, Sherman, Burnside, Hooker, Meade, Halleck, and Grant.

## CHAPTER XI: EMANCIPATION

### I. ON THE POWER OF THE EXECUTIVE AND CONSTITUTIONAL LIBERTY:

Randall, *Constitutional Problems Under Lincoln*, excels others on this subject; Rhodes, *History*, III, on the position of slaves and Frémont, 464-476, IV, 60-69, and on the Emancipation Proclamation, 71-76, 157, 163, 212-219, 343-345; on arbitrary acts of the president and action of Congress, 229-241; Stephenson, *Lincoln and Union*, ch. 7; Wood, *Captains of Civil War*, ch. 5, may be used for points, 1, 5, 6; Hosmer, *Appeal to Arms*, ch. 14; on the question of the power of the executive and military government, read Horace Binney, *Privilege of the Writ of Habeas Corpus* (1862); R. C. Hurd, *Treatise on Habeas Corpus* (Ridgway, Pa., 2nd ed. 1876) and John A. Marshall, *American Bastille* (Phila. 1869) are useful, but were too close to the scene of conflict; biographies of Lincoln, Stanton, and Seward are enlightening.

### 2. ON RADICALS:

Rhodes, *History*, IV, on Chase, 208-211, 457-459, 479-481; Radicals oppose Lincoln, for Frémont, 461-467; Radicals in Congress and factions, 483-487, 518-521, 528-536; Channing, *History*, VI, 379-383, 392-394. A very good idea of what Radicals in Congress were thinking may be found in *The Report of the Joint Committee on the Conduct of the War* (1863, 1865); a critical essay, "The Committee on the Conduct of the Civil War" by W. W. Pierson is in the *Am. Hist. Rev.*, XXIII, 550-577; the reactions of military men to the reports of the C. C. W. are found in G. Meade, *Life and Letters of Meade*, and *A Reply of Maj.-Gen. William B. Franklin to the Report of the Joint Committee of Congress on the Conduct of the War* (N. Y. 1863), and in the Congressional speeches of General Frank Blair (*Cong. Globe*, 1863-1864); Hollister, *Colfax*; Smith, *Blair Family in Politics*, II, 195-227, and chs. 35, 36, 39, 40,



a story of the struggle of conservatives and radicals for political power; a severe arraignment of the Radicals is in Montgomery Blair's pamphlet, *Speech of the Hon. Montgomery Blair (Postmaster-General) on the Revolutionary Schemes of the Ultra Abolitionists and Defense of the Policy of the President*, [etc.] 1863; same, *Proscription in Maryland* (1866); same, *Address at Clarks-ville, Md.* (1865); Hart, *Contemporaries*, IV, 303-306; George C. Sellery, *Lincoln's Suspension of Habeas Corpus as Viewed by Congress* (Madison, Wisconsin, 1907. *Bulletin of U. of Wisconsin*, No. 149); James G. Randall, "Lincoln in the Role of a Dictator," in *South Atlantic Quarterly*, XXVIII, 236-252; Wm. Salter, *Life of James W. Grimes* (N. Y. 1876); A. C. Cole, "Lincoln and the American Tradition of Civil Liberty," in *Ill. State Hist. Soc. Journal*, XIX, 102-114. On the press in the War, see H. Babcock, "The Press and the Civil War," in *Journalism Quarterly*, VI, 1-5; Thos. F. Carroll, "Freedom of Speech and the Press During the Civil War," in *Virginia Law Review*, IX, 516-551.

### 3. COPPERHEADS AND NEED OF DEMOCRATIC LEADERSHIP:

Without Douglas the Democrats were nearly leaderless in politics as well as in literary ability. A Douglas Democrat expressed himself in "The Diary of a Public Man," *The North Am. Rev.*, CXXIX, 125-140, 259-273, 375-388, 484-496; August Belmont, *Letters, Speeches, and Addresses of August Belmont* (1890), contains Democratic documents of the National Democratic Committee. One phase of George B. McClellan's political activities are briefly described by B. C. Birdsall, "McClellan and the Peace Party," in *The Century Magazine*, XVII, 638-639, and in biographies of McClellan by J. H. Campbell and McClellan. J. L. Vollandigham's biography of his brother is a brotherly treatise and we may welcome heartily Professor C. H. Coleman's forthcoming biography of C. L. Vollandigham; *The Record of C. L. Vollandigham* (Columbus, Ohio, 1863) is better than the biography, but it ends with 1863; an interesting article by A. J. Wall, "The Administration of Gov. Horatio Seymour during the War of the Rebellion and the Draft Riots in New York City, July 13-17, 1863, With the Events Leading up to Them," is in *N. Y. Hist. Soc. Bul.*, XII, 79-115; Albert Matthews, "Origin of Butternut and Copper head," in *Col. Soc. of Mass. Publications*, XX, 205-237; Paul E. Smith, "First Use of Term Copperhead," in *Am. Hist. Rev.*, XXXII, 799-800; John P. Pritchett, "Michigan Democracy in the Civil War," *Mich. Hist. Mag.*, XI, 92-109.

Rhodes, *History*, IV, 224-227, 245-253, 322-332, 412-415; Channing, *History*, VI, 592-594; Shotwell, *Civil War*, I, ch. 25, on Vollandigham, ch. 30; Benton, *The Movement for Peace Without Victory during the Civil War* (Cleveland 1918), supplemented by Kirkland, *Peacemakers*, are most comprehensive.

### 4. POSITION OF BORDER STATESMEN:

Channing, *History*, VI, ch. 13, border state problems; Rhodes, *History*, III, 389-394; Shotwell, II, ch. 42; E. C. Smith, *The Borderland in the Civil War* (N. Y. 1927), and turn to biographical works in chapter 10.

### 5. ANTI-SLAVERY LEGISLATION, NORTHERN AID OF THE NEGRO AND EXPLOITATION OF FREEDMEN.

Channing, *History*, VI, 524-540; W. L. Fleming, *Sequel of Appomattox*, ch. 3; Hosmer, *Appeal to Arms*, ch. 14; same, *The Outcome*, ch. 8; Elizabeth H. Botume, *First Days Amongst the Contrabands* (Boston 1893); James G. Randall has a careful study of the Confiscation Acts, "The Confiscation of

Property during the Civil War" (Indianapolis 1913); as to the enforcement of these acts the report of the Secretary of the Treasury on finances (1864), printed in *House Documents*, 38th Cong., 2nd Sess., Ex. Doc., VII, No. 3.

#### 6. EMANCIPATION AND SHIFT OF LINCOLN'S POSITION :

Rhodes, *History*, IV, 71-73, 157; Hart, *Contemporaries*, IV, ch. 21; Richardson, *Messages and Papers*, V; Channing, *History*, VI, 524-545; Shotwell, *Civil War*, II, ch. 42. Any good biography of Lincoln will have an appropriate chapter on this subject. Hosmer, *Appeal to Arms*, ch. 14; same, *Outcome*, chs. 8, 13; Storey, *Sumner*, ch. 12; Allan Nevins, *Frémont, the West's Greatest Adventurer* (2 vols., N. Y. 1928), II, presents an interesting story of Frémont's part in the emancipation movement; W. E. Smith, "Blairs and Frémont," *Mo. Hist. Rev.*, XXIII; Smith, *Blair Family in Politics*, II, ch. 30.

#### 7. ELECTIONS OF 1862 :

Rhodes, *History*, IV, 163-173; Smith, *Blair Family in Politics*, II, 207-226; W. A. Harbison, *The Opposition to President Lincoln Within the Republican Party* (Urbana 1930), a study of political conflict during the War.

### CHAPTER XII: VICTORY

#### 1. LINCOLN AND THE STATES; DAVIS AND THE STATES :

Read chapters on this subject in good biographies of Lincoln and Davis. Randall, *Constitutional Problems Under Lincoln*; Rhodes, IV, 229-241; Stephenson, *Lincoln and the Union*, ch. 7; Hosmer, *Outcome*, chs. 13, 14. There are Columbia University studies of state politics during the Civil War which are helpful in studying this subject; they are published by the Faculty of Political Science, and are entitled as a whole, *Studies in History, Economics, and Public Law*. Among others are: S. D. Brummer, *Political History of New York State during the Period of the Civil War* (N. Y. 1911); M. Dilla, *The Politics of Michigan, 1865-1878* (N. Y. 1912); E. E. Ware, *Political Opinion in Massachusetts during Civil War and Reconstruction* (N. Y. 1916); G. H. Porter, *Ohio Politics during the Civil War Period* (N. Y. 1911). Also see Stevens, *Lincoln and Missouri*; Cole, *The Era of the Civil War in Centennial History of Illinois*, III; Alexander, *New York*; Randall and Ryan, *Ohio*; Smith, *Chase and Ohio Politics*. A Republican point of view is set forth in H. C. McDougal, "A Decade of Missouri Politics," in *Mo. Hist. Rev.*, III, 126-153; S. B. Laughlin, "Missouri Politics during the Civil War," in *Mo. Hist. Rev.*, XXIII-XXXIV; J. F. Phillips, "Hamilton Brown Gamble and the Provisional Government of Missouri," in *Mo. Hist. Rev.*, V; S. B. Harding, "Missouri Party Struggles in the Civil War Period," in *Annual Report of Am. Hist. Asso.*, I.

#### 2. CONSTITUTIONAL DISCUSSIONS OF THE PERIOD :

For the Confederacy see Curry, *Civil History of the Confederate Government*; Owsley, "Local Defense and the Overthrow of the Confederacy," in *Miss. Valley Hist. Rev.*, XI, 490-525; Dabney, *Defence of Virginia*; Davis, *Rise and Fall*; P. C. Gentz (pseudonym for B. J. Sage), *Republic of Republics*; W. A. Dunning summarizes the question in an article entitled "Disloyalty in Two Ways," in *Am. Hist. Rev.*, XXIV, 625-630; F. A. Shannon, "State Rights and the Union Army," in *Miss. Valley Hist. Rev.*, XII, 51-71; I. O.

Foster, *The Relation of the State of Illinois to the Federal Government During the Civil War* (Urbana, Ill., abstract of thesis, 1926). The Northern side is presented in Boutwell, *Constitution of the United States at the End of the First Century* (Boston 1895); Joel Parker, *Constitutional Law with Reference to the Present Condition of the United States* (1862); W. Whiting, *War Powers of the Government under the Constitution of United States* (Boston 1864). For further reading see bibliography for chapter XVI.

### 3. MILITARY GOVERNORS AND LINCOLN'S PLAN OF RECONSTRUCTION :

Any good biography of Lincoln such as Nicolay and Hay, Charnwood, Lamont's *Recollections of Lincoln*, Tarbell, Morse, and Stephenson. W. L. Fleming, *Sequel of Appomattox*, ch. 6; Hosmer, *Outcome*, 133-135; H. Wilson, *Military Measures of the United States Congress 1861-65* (N. Y. 1866); Horace Binney, *Privilege of the Writ of Habeas Corpus*, and Marshall, *American Bastille*.

### 4. ELECTIONS OF 1864 :

Rhodes, *History*, VI, ch. 19; Channing, *History*, VI, 581-611; Shotwell, *Civil War*, II, ch. 51; Stephenson, *Lincoln and Union*, ch. 13, a very readable chapter; Hosmer, *Outcome*, ch. 9; Kirkland, *Peacemakers*, ch. 1; Smith, *Blair Family in Politics*, II, ch. 36; Harbison, *Opposition to Lincoln*; T. Aaron Levy, *Lincoln the Politician*.

### 5. LINCOLN'S LIFE AT THE WHITE HOUSE AND HIS CHARACTER :

See biographies mentioned elsewhere, and read Noah Brooks, *Washington in Lincoln's Time*; F. F. Browne, *The Every-Day Life of Abraham Lincoln* (N. Y. 1886); F. B. Carpenter, *Six Months at the White House with Abraham Lincoln* (N. Y. 1867); L. E. Chittenden, *Personal Reminiscences, 1840-1880* (N. Y. 1893); Col. W. H. Crook, "The Home Life of Lincoln," in *Sat. Eve. Post*, June 4, 1910; Elizabeth Keckley, *Behind the Scenes* (N. Y. 1868), formerly a slave, but later a modiste and friend to Mrs. Lincoln; A. T. Rice, *Reminiscences of Abraham Lincoln by Distinguished Men of his Time* (N. Y. 1888), and other biographies listed in chapter IV.

### 6. PEACE MISSIONS AND NEGOTIATIONS :

Kirkland, *Peacemakers*, chs. 2-5; Smith, *Blair Family in Politics*, II, ch. 37, see the bibliography for letters, pamphlets, on the Blairs; Nicolay and Hay, *Lincoln, A History*, and W. R. Thayer, *The Life and Letters of John Hay* (2 vols., Boston 1914) may be used on the Niagara Conference, but Thayer's *Hay*, based mostly on Hay's diary, is biased against Greeley; an essay "The Peace Conference at Niagara Falls in 1864," by F. H. Severance was published in the *Buffalo Hist. Soc. Pub.*, XVIII, 79-94. For the Jaquess-Gilmore mission to Richmond read "Our Visit to Richmond," "Our Last Day in Dixie," and "A Suppressed Chapter of History," by J. R. Gilmore, *Atlantic Monthly*, XIV, 372-383, 715-726, LIX, 425-448. The New York and Richmond daily papers carry accounts, many of which are guesses at the truth.

On the Hampton Roads Conference read Smith, Kirkland, Nicolay and Hay, Stephens, *Official Records*, and Hunter's account in *Southern Historical Papers*, III, 168-176; Jno. A. Campbell, "The Hampton Roads Conference," in *Transactions of the Southern Historical Society*, I; same, *Reminiscences and Documents Relating to the Civil War during the Year 1865* (Baltimore 1887); each of these accounts was based on Campbell's memorandum written soon

after the Conference and so the two are quite similar; Benton, *The Movement for Peace* [etc.]; for brief account see Rhodes, *History*, IV, 68-72.

#### 7. ON THE FRÉMONT-LINCOLN AFFAIR, 1864 :

Nevens, *Frémont, The West's Greatest Adventurer*, II; R. J. Bartlett, *John C. Frémont and the Republican Party* (Columbus 1930); *Detroit Post and Tribune*, Zachariah Chandler; Wm. E. Smith, "The Blairs and Frémont," in *Missouri Hist. Rev.*, XXIII, 214-260; same, *Blair Family in Politics*, II.

### CHAPTER XIII: THE RUTH OF WAR

#### 1. THE CONSTITUTION AT THE END OF THE WAR :

Use Boutwell; Judson; John C. Hurd, *The Union-State* (1890), a very scholarly treatise; J. N. Pomeroy, *Introduction to the Constitutional Law of the United States* (Indianapolis 1886); Joseph Story, *Commentaries on the Constitution of the United States* (4th ed. 1880), and Charles Warren, *The Supreme Court in United States History* (2 vols., rev. ed., Boston 1932); James G. Randall, *Constitutional Problems Under Lincoln* (N. Y. 1926) examines the measures of the administration which involved significant changes; H. S. Burrage, "What led up to the Civil War and what was settled by Lincoln in that War," *Mass. Hist. Proc.*, LVII, 365-396. An extended list of references on the constitutional phases of the war is given in the bibliography for chapter XVI.

#### 2. SOCIAL AND ECONOMIC READJUSTMENT NORTH AND SOUTH :

Stephenson, *Lincoln and Union*, ch. 11, treats briefly and lucidly Northern life during the war; same, *Day of the Confederacy*, chs. 6, 10; Emerson Fite, *Social and Industrial Conditions in the North during the Civil War* (N. Y. 1910) is of real value, as is D. R. Dewey's *Financial History of the United States* (3d ed. 1907); a most readable and useful work on the same subject but from a biographical viewpoint is E. P. Oberholtzer, *Jay Cooke* (2 vols., Phila. 1907); W. H. Russell, *My Diary North and South* is sincere and pointed. Add to these references such valuable newspapers of national scope as the *New York Herald and Tribune*, and the *New Orleans Picayune* and *Richmond Examiner*. The *Congressional Globe* reporting Congressional debates is a mine of information on this subject; W. L. Fleming, *Sequel of Appomattox*, chs. 1, 4, 6, 10, 11, 12; Hosmer, *Outcome*, chs. 4, 15, 16.

#### 3. CHURCHES :

The conflict of opinion on slavery and secession had unhappy effects upon the churches. This subject is briefly discussed by W. L. Fleming, *Sequel of Appomattox*, ch. 9. It received lengthy consideration in L. G. VanderVelder, *The Presbyterian Churches and the Federal Union, 1861-1869* (Cambridge 1932); C. W. Heathcote, *The Lutheran Church and the Civil War* (N. Y. 1909); W. W. Sweet, *The Methodist Episcopal Church and the Civil War* (Cincinnati 1912).

#### 4. RETURNED SOLDIERS :

W. L. Fleming, *Sequel of Appomattox*, ch. 1; Bowers, *Tragic Era*, ch. 3.

## 5. COST OF WAR :

See bibliography for chapter XV.

## 6. FREEDMAN'S BUREAU, ETC.

W. L. Fleming, *Sequel of Appomattox*, ch. 5 ; P. S. Pierce, *The Freedman's Bureau* (Iowa City 1904), in *University of Iowa Studies*, III, No. 1, is the most careful treatment of this subject.

## CHAPTER XIV : THE PRESIDENT'S TREATY

## 1. ASSASSINATION OF PRESIDENT LINCOLN :

Bowers, *Tragic Era*, ch. 1. Biographies of Lincoln, Nicolay and Hay ; Tarrall, I ; Barton, II ; Charnwood, Lamon, and many others have descriptions of this untimely event. John W. Starr, Jr., *Lincoln's Last Day* (N. Y. 1922) is detailed, and appended is a very workable bibliography of books on Lincoln. *Harper's Monthly*, Sept. 1907 ; *Century Magazine*, April 1896 ; same, April 1909 ; *New York American and Journal*, Feb. 7, 1909 ; *Success Magazine*, April 1903 ; Clara E. Laughlin's *The Death of Lincoln* (N. Y. 1909) is about as complete as any, but see O. H. Oldroyd, *The Assassination of Abraham Lincoln [etc.]* (Washington 1901). Rhodes, *History*, V, 139-147.

## 2. REACTIONS IN THE NORTH AND SOUTH :

Hosmer, *Outcome*, ch. 17 ; Nevins, *Emergence of Modern America* ; Milton, *Age of Hate* ; Fleming, *Sequel of Appomattox* ; Dunning, *Reconstruction* ; Rhodes, *History*, V, 147-161 ; Bowers, *Tragic Era*, ch. 1.

## 3. JOHNSON'S AND LINCOLN'S PLANS OF RECONSTRUCTION :

W. L. Fleming, *Sequel of Appomattox*, chs. 3, 4, recommended for its clearness, readability, and Southern point of view ; William A. Dunning, *Reconstruction, Political and Economic* (N. Y. 1907), ch. 3 ; Hosmer, *Outcome*, chs. 8, 13 ; McCarthy, *Lincoln's Plan of Reconstruction* (1901) is a new angle on this subject ; Storey, *Summer*, chs. 14, 16 ; Wm. S. Meyers, "The Self-Reconstruction of Maryland," *J. H. U. Studies*, XXVII ; H. E. Flack, *The Adoption of the Fourteenth Amendment* (Baltimore 1908) ; G. Welles, "Lincoln and Johnson" in *The Galaxy*, April 1872.

## 4. JOHNSON THE MAN :

See biographies by Stryker, Winston ; Beale, *Critical Year* ; Milton, *Age of Hate* ; Bowers, *Tragic Era* ; Storey, *Summer*, ch. 19.

## 5. RADICAL REPUBLICAN RULE :

On the political reconstruction policy of the Republicans in or out of Congress should first be mentioned, among secondary works, Dunning, *Reconstruction Political and Economic*, one of the best volumes in the *American Nation* series. Practically the entire volume is pertinent to this subject, as is Fleming's *Sequel of Appomattox*. Rhodes, *History*, V, ch. 30, VI, VII ; Woodrow Wilson, *History of the American People* (5 vols., N. Y. 1902), V, a brief sketch but an important interpretation by a Virginian. The legal and political aspects are hardly treated better by anyone than by Burgess, *Reconstruction and the Constitution* (N. Y. 1902) ; W. A. Dunning, *Essays on*

*the Civil War and Reconstruction* (rev. ed. 1904) is an analysis of some of the political and administrative developments in the South; B. B. Kendrick has published in the *Columbia University Studies* (N. Y. 1914), LXII, his study of *The Journal of the Joint Committee of Fifteen on Reconstruction*; Hart, *Am. History by Contemporaries*, IV, part 7; J. A. C. Chandler, *South in Building of the Nation*, VI; P. J. Hamilton, *The Reconstruction Period* (Phila. 1906) in *History of North America* series; Oberholtzer, *Hist. of U. S. Since the Civil War*, vols., I-III; Allan Nevins, *The Emergence of Modern America* (N. Y. 1930) stresses social and economic life in a wealth of facts organized and well presented; H. Thompson, *The New South* (New Haven 1919); Philip Alexander Bruce, *The Rise of the New South* (Phila. 1905); A. B. Faust, *The German Element in the United States* (2 vols., Boston 1909) should be used with works by or on Schurz and Koerner, better to understand the great influence of the radical German vote; Charles Sumner, "Our Domestic Relation, or How to Treat the Rebel States," *Atlantic Monthly*, XII; Storey, *Sumner*, chs. 18, 19, 21; Lothrop, *Seward*, 21; other biographies of Chase, Grant, Sumner, Blairs, Seward, Colfax, Morton, Wade, Stevens; James G. Blaine, *Twenty Years in Congress [1861-1881]* (2 vols., Norwich, Conn., 1884-86), useful on Congressional politics, though, as would be expected, it is a partisan account; Hugh McCulloch, *Men and Measures of Half a Century, Sketches and Comments* (N. Y. 1888), uninterestingly told, but valuable for facts by a participant who was fair-minded; Davis, *Civil War and Reconstruction in Florida* in *Col. U. Studies*, No. 131 (N. Y. 1913); J. G. de R. Hamilton, *Reconstruction in North Carolina*, in *Col. U. Studies*, No. 141 (N. Y. 1914); Kendrick, *Journal of the Joint Committee of Fifteen on Reconstruction, 39th Congress* in *Col. U. Studies*, No. 150; Clara M. Thompson, "Reconstruction in Georgia," *Col. U. Studies*, No. 154; Edith E. Ware, "Political Opinion in Massachusetts During the Civil War and Reconstruction," in *Col. U. Studies*, No. 175 (N. Y. 1916); Staples, "Reconstruction in Arkansas," *Col. U. Studies*, No. 245; T. S. Barclay, *The Liberal Republican Movement in Missouri, 1865-1871* (Columbia, Mo., 1926). Among the best brief secondary works on reconstruction used for text books since the Civil War are P. L. Haworth, *The United States in Our Own Times* (N. Y. 1925); Louis M. Hacker and B. B. Kendrick, *The United States Since 1865* (N. Y. 1932); C. R. Lingley and A. R. Foley, *Since the Civil War* (N. Y., 3rd ed. 1935); N. P. Mead, *Development of the United States Since 1865* (N. Y. 1930); D. S. Muzzey, *The United States of America* (2 vols., N. Y. rev., 1933); F. L. Paxson, *Recent History of the United States* (Boston, rev. 1928); L. B. Shippee, *Recent American History* (N. Y., rev. 1931).

On Andrew Johnson there are some excellent newer interpretations: Howard K. Beale, *The Critical Year* (N. Y. 1930), a searching analysis; Robert W. Winston, *Andrew Johnson, Plebeian and Patriot* (N. Y. 1928), delightful reading, possibly a little careless at times, and given to rehabilitating Johnson's character and ability as does L. P. Stryker, *Andrew Johnson: A Study in Courage* (N. Y. 1929).

On Johnson and the press, one good article exists: Marguerite Hall Albjerg, "The New York Press and Andrew Johnson," in *So. At. Quar.*, XXVI, 404-416, an investigation of the role of the New York press played in the bitter legislative-executive battle. The racy, partisan story by Claude G. Bowers, *The Tragic Era* (Boston 1929) may be mentioned for light reading. Geo. Fort Milton, *The Age of Hate* (N. Y. 1930) is so thoroughly documented that it is recommended both for its content and bibliography on this period; the contest between President Johnson and the Radicals in Congress is developed

with an abundance of illustration and fact by Dewitt, *The Impeachment and Trial of Andrew Johnson* (N. Y. 1915); Woodward, *Meet General Grant*, sheds light on Grant's part in Reconstruction; H. J. Eckenrode, *Rutherford B. Hayes, Statesman of Reunion* (N. Y. 1930) and C. R. Williams, *The Life of Rutherford Birchard Hayes* (2 vols., Boston 1914) bring political reconstruction as seen through biography to 1876-1880.

The negro side of the story is told by A. A. Taylor, *The Negro in South Carolina during Reconstruction* (Washington 1924), and *The Negro in the Reconstruction of Virginia* (Washington 1926); W. E. B. Du Bois, *Black Reconstruction* (N. Y. 1935); S. G. Woodson, *The Negro in Our History* (Washington 1922).

On the Southern states during Reconstruction there have been published such worthy studies as E. M. Coulter, *Civil War Readjustment in Kentucky* (Chapel Hill 1926); W. W. Davis, *Civil War and Reconstruction in Florida* (N. Y. 1913); H. J. Eckenrode, *History of Reconstruction in Virginia* (J. H. U. Studies, 1904); J. W. Fertig, *Secession and Reconstruction of Tennessee* (Chicago 1898); W. L. Fleming, *Civil War and Reconstruction in Alabama* (Cleveland 1905); J. R. Ficklen, *History of Reconstruction in Louisiana* (Baltimore 1910); Ella Lonn, *Desertion During the War* (N. Y. 1928); J. W. Garner, *Reconstruction in Mississippi* (N. Y. 1901); J. G. de R. Hamilton, *Party Politics in North Carolina 1835-1860* (Chapel Hill 1914); C. W. Ramsdell, *Reconstruction in Texas* (N. Y. 1910); J. S. Reynolds, *Reconstruction in South Carolina 1865-77* ("State Co.," 1905); F. B. Simkins and R. H. Woody, *South Carolina during Reconstruction* (Chapel Hill 1931); A. A. Taylor, *Negro in South Carolina during the Reconstruction*; D. Y. Thomas, *Arkansas in War and Reconstruction* (Little Rock 1926); T. S. Staples, *Reconstruction in Arkansas* (N. Y. 1923); C. Mildred Thompson, *Reconstruction in Georgia, Economic, Social, Political 1865-1872* (N. Y. 1915); E. C. Wooley, *Reconstruction of Georgia* (N. Y. 1901); H. C. Warmoth, *Politics, and Reconstruction* (N. Y. 1930). The student is referred to Professor Dunning's critical bibliography in his *Reconstruction, Political and Economic*, 342-357 for further references.

#### CHAPTER XV: CIVIL WAR FINANCES

For the Federal expenses D. R. Dewey, *Financial History of the United States* (N. Y., 8th ed. 1922) is standard, although it should be supplemented by the very searching article by James L. Sellers, "An Interpretation of Civil War Finance," which clearly reveals the difference in the economic burden of the war, in *Am. Hist. Rev.*, XXX, 282-297. For supplementary statistics use Culbertson's *Expenditures of the United States Government 1791-1907* (Washington 1908); J. C. Schwab's article, "The Finances of the Confederate States," in *Yale Rev.*, II, should be read; a refreshing chapter on the subject is in Shannon, *Economic History of the United States*, ch. 17. One of the most valuable of all the Civil War studies is Owsley's *King Cotton Diplomacy* (Chicago 1931). Outstanding is J. C. Schwab, *The Confederate States of America, a Financial and Industrial History of the South during the Civil War* (N. Y. 1901). Tariffs and taxes by the North are discussed in Taussig, *Tariff History of the U. S.*, 155-171. A delightful story is found in Shotwell, *The Civil War in America*, II, ch. 37. See also Channing, *History of the U. S.*, VI, and Rhodes, III; F. N. Thorpe, *The Civil War*, scattering citations; R. A. Bayley, *History of the National Loans of the United States from July 4, 1796 to June 30, 1880* (Washington 1880, in VII, U. S. 10th Census), 295-486, de-

scribes each loan and conditions under which it was made; C. F. Dunbar, *Laws of the United States relating to Currency, and Banking from 1789 to 1891* (Boston 1891), a reliable and useful handbook of laws, classified and annotated; same, *Chapters on the Theory and History of Banking* (N. Y. 1896), ch. 9, on national banking system; Oberholtzer, *Jay Cooke*, is valuable for an understanding of bond flotations. Rather interesting figures are given on costs behind the lines in C. P. Huse, *The Financial History of Boston* (Cambridge 1916), ch. 4, and E. L. Bogart, *Financial History of Ohio* (Urbana 1912), 232-237. Other similar studies might be used profitably. N. W. Stephenson, *Day of the Confederacy*, scattering citations, but interesting reading; same, *Lincoln and the Union*, ch. 10, good on problems of Secretary Chase; E. F. Humphrey, *An Economic History of the United States*, chs. 26, 27, a valuable brief summary; Carman, *Soc. and Ec. Hist. of U. S.*, II, 537-549, 563-576; H. U. Faulkner, *Am. Ec. Hist.*, and E. C. Kirkland, *A Hist. of Am. Ec. Life*; the Jennings, Coman, Bogart, Lippincott, Humphrey economic histories and Carman's *Soc. and Ec. Hist.*, all deserve special mention for brief accounts; a unique contribution is E. D. Fite, *Social and Industrial Conditions in the North During the Civil War* (N. Y. 1910); E. Q. Hawk, *Economic History of the South* (N. Y. 1934), chs. 14, 15, are clearly written, informative, and well organized; McMaster, *Hist. of People of U. S. During Lincoln's Admin.*, use index; E. A. Smith, *History of the Confederate Treasury* (Richmond 1901) is a detailed account; A. S. Bolles, *Financial Hist. of the U. S.* (3 vols., 2d ed., N. Y. 1886), III, gives older views and figures, and leans toward bankers' view on questions of currency; A. B. Hepburn, *History of Coinage and Currency in the United States* (1915, rev. ed.); Hugh McCulloch, *Men and Measures of Half a Century* (N. Y. 1888), chs. 15-19; W. C. Mitchell, *History of Greenbacks* (Chicago 1903), an authoritative study on the subject and the economic effects of the use of greenbacks as legal tender—a Chicago University Decennial Publication; H. D. Capers, *The Life and Times of C. G. Memminger* (Richmond 1894) is useful for a picture of financial circles in the Confederacy; William E. Dodd, *Robert J. Walker, Imperialist* (Lynchburg 1915), interesting, but inaccurate in some of its conclusions; S. P. Chase, *Diary and Correspondence*, Warden, Chase, and Schuckers, *Life and Services of Chase*; John Sherman, *Recollections*, 302-309, 329-332; Boutwell, *Reminiscences*; L. Blodget, *The Commercial and Financial Strength of the United States* (Phila. 1864) is a strong contemporary argument on the wartime strength of the Union. Other older works are Adams, *Public Debts* (N. Y. 1874), Fox, *Regimental Losses in the American Civil War* (1889), and W. G. Sumner, *American Currency* (N. Y. 1874). Articles of real value on special subjects of the war are: E. M. Coulter, "Effects of Secession upon the Commerce of the Mississippi Valley," in *M. V. H. R.*, III, 275-300, and same, "Commercial Intercourse with the Confederacy in the Mississippi Valley," in same magazine, V, 377-395. A timely, useful study is W. A. Williams, *Robert J. Walker, Financial Agent to Europe, 1863-1864* (Cleveland, Miss., 1936), a keen analysis of Walker's influence in London in 1863-1864; J. G. Randall, "Captured and Abandoned Property during the Civil War," in *Am. Hist. Rev.*, XIX, 65-79; J. W. Million, "Debate on the National Bank Act," in *Jour. Pol. Econ.*, II, 1894; C. F. Dunbar, "The Direct Tax in 1861," in same, III, 444-451; J. A. Hill, "The Civil War Income Tax," in same, VIII; L. H. Gipson has an excellent article in the *M. V. H. R.*, IV, 437-438, entitled, "The Collapse of the Confederacy"; J. L. Laughlin wrote a stimulating article for *Atlantic Monthly*, LXXXII, 47, on "War and Money, Some Lessons of 1862."

One of the greatest costs of war is in the form of pensions. See J. W.



Oliver, *History of the Civil War Military Pensions* (Madison 1917), Univ. of Wis. Bull., No. 844. See also G. F. R. Henderson, *The Science of War* (N. Y. 1905), especially chs. 8-12.

Source materials may be found in the government documents of the two sections. The *Congressional Globe* is necessarily replete with debates and reports on finances of the North. Reports of the Treasury Department, the *Statutes at Large* of the U. S., and of the *Provisional Government of the Confederate States*, the *Official Records* of the War of Rebellion, the president's messages to Congress, published by Richardson for both sides, are all indispensable to a thorough study of the financial aspects of the war. To these should be added the journals of the several legislatures of the states, and the papers of Chase and Fessenden. To all of these, reference is made elsewhere in this bibliography. Much valuable information may be gleaned from biographical works on prominent characters in the period of the Civil War.

#### CHAPTER XVI: CONSTITUTIONAL ASPECTS OF THE CIVIL WAR

1. Undoubtedly the most thorough and readable volume on this phase of the Civil War is James G. Randall, *Constitutional Problems Under Lincoln*, which should be read entire; Burgess, *The Civil War and the Constitution*, II, ch. 28, is a brief summary of the "Interpretation of the Constitution Under the Stress of the Military Events of 1862 and 1863"; See also his chapters 16, 18, 20 on the Emancipation Proclamation; Thorpe, *The Civil War a National View*, has many very useful paragraphs scattered throughout the volume; Rhodes, see index; Channing, VI, see index; Dunning, *Essays on the Civil War and Reconstruction*, a learned discussion of legal questions which have affected the Constitution since the war; same, *Reconstruction, Political and Economic*; Warren, *Supreme Court in United States History*, III, valuable to any student of the Civil War; H. L. Carson, *The History of the Supreme Court of the United States* (2 vols., Phila. 1902); Stephenson, *Lincoln and the Union*; H. Taylor, *The Origin and Growth of the American Constitution* (N. Y. 1911), 294-296, ch. 11; Hosmer, *Appeal and Outcome*; W. R. Houghton, *History of American Politics* (Indianapolis 1883), chs. 18, 19, a factual story of events; A. C. Cole, *The Era of the Civil War, 1848-1870*; C. A. de P. Chambrun, *The Executive Power in the United States* (Lancaster 1874), ch. 10, a discussion of Lincoln's executive power; C. A. Berdahl, *War Powers of the Executive in the United States* (Urbana 1921), in Univ. of Ill. Soc. Studies, IX, Nos. 1 and 2; E. G. Scott, *Reconstruction during the Civil War in the United States of America* (N. Y. 1895), discusses mostly the constitutional and legal relations of the states to the Union; Emory Upton, *The Military Policy of the United States* (Washington 1911), the author, a Brevet Major General in the U. S. Army, devoted much space to a scholarly treatise on the executive and legislative measures in the Civil War; Wm. Whiting, *War Powers under the Constitution of the United States*, useful for facts, but lacking in judgment; Joel Parker, *Habeas Corpus and Martial Law* (Cambridge 1861), by a professor in the Harvard Law School who favored the use of martial law in war time and answered Taney's argument in the Merryman case. In 1869 he published a work entitled, *Three Powers of Government* (N. Y.).

2. For source materials use among others the various *Congressional Documents* and *Congressional Globe*, Richardson's *Messages and Papers of the Presidents*, reports of the Secretaries of War and Treasury, *Statutes at Large of the United States of America*, *War of Rebellion: Official Records*, J. B.

Moore, *Digest of International Law*; H. V. Ames, *State Documents on Federal Relations (1789-1861)* (N. Y. 1907); Allen Johnson (ed.), *Readings in American Constitutional History, 1776-1876* (Boston 1912); Edw. McPherson, *The Pol. Hist. of U. S. during the Great Rebellion*, a mixed collection of documents by the clerk of H. R.; the decisions of the Supreme Court of the United States are obtainable in the *United States Reports*; decisions of the circuit and district courts are found in *Federal Cases*, a mine of interesting information; *Diary and Correspondence of Salmon P. Chase*; *Blair Papers*, *Chase Papers*, *Stanton Papers*, *Trumbull Papers*, *Welles Papers*, and *Bates Diary*.

3. Biographical works contain a mass of information on many phases of the constitutional problems arising as a result of the war. Only a few can be listed here. Jas. G. Blaine, *Twenty Years of Congress*, 2 vols.; G. B. F. Butler, *Butler's Book*; O. O. Howard, *Autobiography* (2 vols., N. Y. 1907); Nicolay and Hay, *Lincoln*; same, *Complete Works of Lincoln*; Tarbell, *Lincoln*; Charnwood, *Lincoln*; F. W. Seward, *Reminiscences of a War-time Statesman and Diplomat*; Baker, *Works of Seward*; Welles, *Diary*; J. A. Woodburn, *The Life of Thaddeus Stevens* (Indianapolis 1913); Edward Elliott, *Biographical Story of the Constitution, a Study of the Growth of the American Union* (N. Y. 1910) is interesting and useful; B. C. Steiner, *Life of Taney*; White, *Trumbull*; Bancroft, *Seward*; McCarthy, *Lincoln's Plan of Reconstruction*; C. W. Smith, *Roger B. Taney: Jacksonian Jurist* (Chapel Hill 1936), probably the best on the subject, containing a lengthy bibliography.

4. Among the many articles published in journals are some valuable contributions to the study of the constitutional phases of the war. Reference may be had to the following: C. D. Douglas, "Conscription and the Writ of Habeas Corpus during the Civil War," in *Hist. Papers*, pub. by the Trinity College Hist. Soc., Durham, N. C., XIV, 1923; S. G. Fisher, "Suspension of Habeas Corpus during the War of the Rebellion," in *Pol. Science Quar.*, III, 454-488; James Oakes, "Lessons from the Civil War Conscription Acts," in *Ill. Law Rev.*, XI, 266-284; J. G. Randall, "Some Legal Aspects of the Confiscation Acts of the Civil War," in *Am. Hist. Rev.*, XVIII, 70-96; F. A. Shannon, "The Mercenary Factor in the Creation of the Union Army," in *M. V. H. R.*, XII, 523-549. On the subject of martial law read: W. S. Holdsworth, "Martial Law Historically Considered," in *Law Quar. Rev.*, XVIII, 117-132; Ballantine, "Unconstitutional Claims of Military Authority," in *Yale Law Journal*, Jan. 1915; J. H. A., "Martial Law," in *Am. Law Reg.*, IX, May 1861, 498-511; F. Pollock, "What is Martial Law?" in *Law Quar. Rev.*, XVIII, 152-158; H. E. Richards, "Martial Law," in *Law Quar. Rev.*, XVIII, 133-142. On freedom of the press read: J. P. Hall, "Freedom of Speech in War Time," in *Columbia Law Rev.*, XXI, 526-537; J. G. Randall, "The Newspaper Problem in Its Bearing upon Military Secrecy during the Civil War," in *Am. Hist. Rev.*, XXIII, 303-323.

5. Others of value are: Roy F. Nichols, "The United States vs. Jefferson Davis," in *Am. Hist. Rev.*, XXXI, 266-284; A. B. Hart, "Constitutional Questions of the Civil War," in McLaughlin and Hart, *Cyclopedia of American Government*, I; J. G. Randall, "Captured and Abandoned Property during the Civil War," in *Am. Hist. Rev.*, XIX, 65-79; same, "The Indemnity Act of 1863: A Study in the Wartime Immunity of Governmental Officers," in *Michigan Law Rev.*, XX, 589-613; "Chief Justice Taney," in *The Albany Law Journal*, VII, 1873, 2-5; an unsigned article on Taney was published in *Atlantic Monthly*, XV, 1865, 151-161; C. Warren, "Lincoln's 'Despotism' as Critics Saw it in 1861," *N. Y. Times*, May 12, 1918.

6. A long list of studies on particular phases of constitutional problems during the Civil War are available. A few of them are: Margaret E. Hirst, *The Quakers in Peace and War: an Account of Their Peace Principles and Practice* (N. Y. 1923), scholarly, detailed story of Quaker opposition to war in United States and England; V. A. Lewis, *How West Virginia Was Made* (Charleston, W. Va., 1909), is a source book; J. C. McGregor, *The Disruption of Virginia* (N. Y. 1922), a monograph needing revision, but is the result of painstaking labor; an unbiased monograph is W. W. Davis, *The Civil War and Reconstruction in Florida* (N. Y. 1913), a Col. U. Study in History, LIII, No. 131; John R. Ficklin, *History of Reconstruction in Louisiana* (Bal., 1910), Johns Hopkins Univ. Studies in Hist. and Pol. Science Series, XXVIII, No. 1, completed by Pierce Butler after the death of Professor Ficklin, scholarly; H. White, *Executive Influence in Determining Military Policy in the United States* (Urbana 1924), Univ. of Ill. Studies in Soc. Sciences, XII, No. 1; G. C. Sellery, *Lincoln's Suspension of Habeas Corpus as Viewed by Congress*, a useful treatise published as the Univ. of Wis. Bull. in Hist. Series, I, No. 3; J. G. Randall, *The Confiscation of Property during the Civil War* (Indianapolis 1913), a dissertation published in condensed form.

7. If political and legal authorities are desired see: Horace Binney war pamphlets published under the title, *The Privilege of the Writ of Habeas Corpus under the Constitution* (Phila. 1862-65), written in a masterly manner; J. H. Finley, *The American Executive and Executive Methods* (N. Y. 1908); John J. Lalor, *Cyclopaedia of Political Science . . . and the Pol. Hist. of the U. S.* (3 vols., N. Y. 1904); Henry Wheaton, *Elements of International Law*, 8th ed., edited by R. H. Dana, Jr. and published in 1866, is very valuable on Civil War administrative practices; Geo. B. Davis, "A Treatise on the Military Law of the United States," 3d ed., rev. (N. Y. 1913), is a recognized authority.

8. On the Confederate constitutional problems, which have not held over in our Federal system, of course, see A. B. Moore, *Conscription and Conflict in the Confederacy* (N. Y. 1924), the best on this special subject, and carefully footnoted; R. P. Brooks, *Conscription in the Confederate States of America 1862-1865* (Athens, Ga., 1917), Bull. of Univ. of Ga., XVII, No. 4; J. L. M. Curry, *Civil History of the Government of the Confederate States*; N. W. Stephenson, *Day of the Confederacy*; Davis, *Rise and Fall of the Confederate Government*; J. S. Matthews, *Public and Private Laws of the Confederate States* (Richmond 1862-1864); Richardson, *Messages and Papers of the Confederacy*; *War of Rebellion: Official Records*; *Statutes at Large of the Provisional Government of the Confederate States of America, February 1861 to February 1862*; Jessie Ames Marshall (ed.), *Papers of John A. Campbell, 1861-1865*, in *Southern Hist. Soc. Papers*, IV, 3-81; D. Rowland, *Jefferson Davis, Constitutionalist* [etc.]; Stephens, *Constitutional View of the "War between the States"*; F. L. Owsley, *State Rights in the Confederacy*, best on the subject; Joseph Hodgson, *Cradle of the Confederacy* (Mobile 1871) is largely a political study; *Journals of the Confederate Congress*; A. L. Hull (ed.), "Making of the Confederate Constitution," in *Southern Historical Association Publications*, IX, X; Brummer, "Judicial Interpretations of the Confederate Constitution," in *Studies in Southern History and Politics*.

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